



COUNTY OF SACRAMENTO
OFFICE OF THE COUNTY COUNSEL - DOWNTOWN OFFICE

700 H Street, Suite 2650, Sacramento, California 95814 Telephone (916) 874-5544 Facsimile (916) 874-8207

April 28, 2009

COUNTY COUNSEL
Robert A. Ryan, Jr.

ASSISTANT COUNTY COUNSEL
Melvyn W. Price
John F. Whisenhunt

**SUPERVISING DEPUTY
COUNTY COUNSEL**
Michele Bach
John H. Dodds
M. Holly Gilchrist
Richard G. Llata
Kathleen A. O'Connor
Krista C. Whitman
Denis J. Zilalf

DEPUTY COUNTY COUNSEL
Michael G. Arkelian
Rebecca B. Armstrong
Richard L. Bowser
J. Steven Burris
Alan C. Campbell
Renaldo Carboni
Peter L. Dixon
Lawrence J. Duran
Joanne C. East
Vicki J. Finucane
Keith W. Floyd
Lilly C. Frawley
Carly Hegle
Julianne L. Hinrichsen
Tina L. Izen
Karla Kowalczyk
Traci F. Lee
Jason A. Manoogian
Diane E. McElhern
Henry D. Nanjo
Stephanie G. Percival
Nanci A. Porter
Martha E. Potiriades
June Powells-Mays
Carol F. Pulido
Joy A. Ramos
John E. Reed
Diana L. Ruiz
John T. Seyman
Kathryn A. Shurtleff
John J. Soika
Ray C. Thompson
Lisa A. Travis
Claire van Dam
Silvia B. Viarnes
Dian M. Vorters
Timothy D. Weinland
James R. Wood
Elizabeth H. Wright
James G. Wright

Statement of Legal Authority

This Statement is provided on behalf of the County of Sacramento pursuant to the "Waste Discharge Requirements, Cities of Citrus Heights, Elk Grove, Folsom, Galt, Rancho Cordova, Sacramento, and County Of Sacramento, Storm Water Discharges from Municipal Separate Storm Sewer System, Sacramento County, Order No. R5-2008-0142, NPDES No. CAS082597" issued by the California Regional Water Quality Control Board, Central Valley Region on September 11, 2008 (hereafter referred to as the "Order").

Section C.6 of the Order requires the preparation of a statement "certified by its chief legal counsel," verifying that adequate authority exists to implement the terms of the Order and requirements of federal stormwater regulations. Section C.6 specifies six items that must be included in the statement:

"6. Each Permittee shall provide to the Executive Officer a statement certified by its chief legal counsel that it has adequate legal authority to implement and enforce each of the requirements contained in 40 CFR 122.26(d)(2)(i)(A-F) and this Order, including any modifications thereto in effect when the certified statement is provided. This statement, which shall be included in Permittees' revised SQIP(s), which shall include the following:

- a. Citation of urban runoff related ordinances adopted by the Permittees and the reasons they are enforceable;
- b. Progressive enforcement policy and how it will be effectively implemented;
- c. Identification of the local administrative and legal procedures available to mandate compliance with urban runoff related ordinances and therefore with the conditions of this Order;
- d. Description of how these ordinances are implemented and how enforcement actions under these ordinances may be appealed; and

e. Description of whether the municipality can issue administrative orders and injunctions or if it must go through the court system for enforcement actions.

f. Description of the Permittee's stormwater management structure. There might be different departments that are to develop, implement, and enforce various components of the program. Summarize how the various departments communicate and coordinate activities.

As required by the Order, a complete discussion of each issue with respect to the County of Sacramento follows.

a. Citation of urban runoff related ordinances adopted by the Permittees and the reasons they are enforceable.

The principal ordinance governing discharges to the County's municipal separate storm sewer system (MS4) is Chapter 15.12 of the Sacramento County Code (the "Storm Water Ordinance"). One of the stated purposes of the Storm Water Ordinance is to "protect and enhance the watercourses within the unincorporated area of the County, by controlling the contribution of urban pollutants to stormwater runoff which enters the County storm drain system in a manner consistent with the Federal Clean Water Act, the Porter-Cologne Water Quality Control Act and Municipal Discharge Permit No. CAS082597, and by controlling pollutants that are discharged directly to natural surface waters." The provisions of the Storm Water Ordinance authorize implementation or enforcement of the mandates of the Order and stormwater regulations. Another purpose of the Storm Water Ordinance is to establish appropriate enforcement procedures and penalties for violations of its provisions. The Storm Water Ordinance was amended in 2004 to address previously noted exceptions to the County's authority. A copy of the Storm Water Ordinance is attached hereto as Exhibit "A".

Additionally, the County's Grading Ordinance, Chapter 16.44 of the Sacramento County Code (the "Grading Ordinance"), regulates grading projects and sets conditions for approval of such projects. The County enacted this ordinance specifically to minimize the degradation of the water quality of watercourses caused by grading, filling and excavation of land, and to control sediment and pollutant runoff from other construction-related activities. These goals are achieved by establishing administrative procedures, minimum standards of review, and implementation and enforcement procedures for controlling erosion, sedimentation and other construction-related pollution. A copy of the Grading Ordinance is attached hereto as Exhibit "B".

The County's authority under its ordinances is very wide-ranging and is sufficient to address the mandates contained in the Order. These ordinances were properly published, introduced and adopted by the Sacramento County Board of Supervisors and constitute enforceable enactments pursuant to the County's police power.

b. Progressive enforcement policy and how it will be effectively implemented

All sanctions for violations of the Storm Water Ordinance are available as progressive remedies and may be imposed administratively. Authorized for violations under that Ordinance are administrative civil penalties, treble damages, recovery of abatement costs, and criminal sanctions. These remedies may be cumulative. The Storm Water Ordinance states that each enforcement action "shall take into consideration such factors as the nature, circumstances, extent and gravity of the violation, and the violator's past and present efforts to comply."

The County's Environmental Management Department (EMD) inspects, tracks and ensures compliance with the Order concerning commercial and industrial facilities located in the unincorporated area of the County. Additionally, by memorandum of understanding, EMD also performs this same service in those jurisdictions of the other co-permittees. EMD is designated by the State as a Certified Unified Program Agency and an Environmental Health Agency for the County of Sacramento. EMD's authority is established in Chapter 6.11, Division 20 and Chapter 4, Division 104 of the Health and Safety Code.

c. Identification of the local administrative and legal procedures available to mandate compliance with urban runoff related ordinances and therefore with the conditions of this Order.

The County Storm Water Ordinance has several administrative procedures available to mandate compliance with the requirements contained in it. As discussed further below, these options include issuing notices of violation to anyone found to be in violation of its provisions, issuing cease and desist orders where violation constitutes an immediate threat to public health or safety, and issuing notices of administrative civil penalty. In addition to administrative enforcement options, the County may seek civil and criminal penalties against a violator and may seek nuisance abatement through the court system. Lastly, Section 15.12.330 allows the Administrator of the County's Municipal Services Agency to promulgate regulations for the implementation of the County's Storm Water Ordinance. This section gives the County the ability to further refine its administrative compliance options.

d. Description of how these ordinances are implemented and how enforcement actions under these ordinances may be appealed.

The County implements its Storm Water Ordinance through the stormwater program detailed in its Stormwater Quality Improvement Plan (SQIP). Additionally, the Storm Water Ordinance sets forth a detailed administrative process for appealing enforcement actions. Section 15.12.540 provides that any person receiving a notice of violation, an administrative compliance order or who otherwise suffers an adverse determination under the Ordinance may request an administrative hearing before an administrative hearing officer appointed pursuant to Government Code section 27720 et seq. The Ordinance requires that the appellant file a written request for an administrative hearing accompanied by payment of an administrative hearing fee in an amount established by the Administrator based upon actual expense. If the person prevails in the appeal, the fee is refunded. Alternatively, the hearing officer may order the appellant to pay additional costs. If no request for hearing is filed within the prescribed filing period, the determination of the Administrator becomes final.

Where an appeal is timely filed, the County will then hold a hearing on the matter before a hearing officer not less than thirty (30) and not more than ninety (90) calendar days from the filing of the written request unless the notice is issued concurrently with a cease and desist order and, in that case, the hearing must take place not more than forty-five (45) days from the date of the notice. A record of the entire proceeding shall be made, and evidence rules established by Government Code § 11513 apply. The hearing officer may, for good cause, grant continuances, and must issue a final decision within ten (10) days of the hearing's conclusion.

e. Description of whether the municipality can issue administrative orders and injunctions or if it must go through the court system for enforcement actions.

As stated above, the Storm Water Ordinance includes an extensive section on enforcement actions giving the County a wide variety of administrative options in case of violations. The administrative enforcement options include issuing a notice of violation, administrative compliance orders, and cease and desist orders. Issuance of a cease and desist order functions as an injunction in that it allows the Administrator to direct the owner or occupant of any premises, or any other person responsible for any violation of the Ordinance, to take one or more of the following actions: (1) Immediately discontinue any prohibited discharge to the County stormwater conveyance system; (2) Immediately discontinue any other violation of the Ordinance; and (3) Clean up the area affected by the violation. The Administrator may direct by a Cease and Desist Order that any person immediately cease any activity that may lead to a violation of Receiving Water Limitations.

The County has similar authority under the Grading Ordinance. The powers include the issuance of stop work notices, denial of future grading permits and the abatement of nuisance conditions.

- f. Description of the Permittee's stormwater management structure. There might be different departments that are to develop, implement, and enforce various components of the program. Summarize how the various departments communicate and coordinate activities.**

Compliance with the Order is a County-wide responsibility. The County's Stormwater Quality Improvement Plan (SQIP) provides a detailed explanation of the County's stormwater management structure, which is headed by the County's Department of Water Resources. There, a staff of twelve administer the Order and work with other County departments to implement its requirements. Inter-departmental agreements are adopted when necessary to ensure that other applicable departments understand their responsibilities under the Order.

Based on the foregoing discussion, the Office of the County Counsel respectfully submits this certification.

Certified by,

ROBERT A. RYAN, JR.
County Counsel

By


RAY C. THOMPSON
Deputy County Counsel

Attachment

Exhibit “A”

Chapter 15.12 STORMWATER MANAGEMENT AND DISCHARGE CONTROL

[Article 1 General Provisions](#)

[15.12.105 Title.](#)

[15.12.110 Findings.](#)

[15.12.120 Purpose and Intent.](#)

[15.12.130 Definitions.](#)

[15.12.135 Construction.](#)

[15.12.140 Applicability.](#)

[15.12.150 Regulatory Consistency.](#)

[15.12.160 Compliance Disclaimer.](#)

[15.12.170 Severability.](#)

[15.12.180 Administration.](#)

[15.12.190 Disclaimer of Liability.](#)

[Article 2 Prohibited Discharges](#)

[15.12.200 Prohibited Non-Stormwater Discharge.](#)

[15.12.210 Exceptions To Non-Stormwater Discharge Prohibition.](#)

[15.12.220 Exception to Otherwise Applicable Exemptions.](#)

[15.12.230 Prohibited Stormwater Discharges.](#)

[15.12.240 Prohibited Conditions.](#)

[15.12.250 Negligence or Intent Not Required.](#)

[Article 3 Reduction of Pollutants in Stormwater](#)

[15.12.300 General Requirements for Best Management Practices.](#)

[15.12.302 Significant Industrial Activities.](#)

[15.12.305 County Stormwater Permit.](#)

[15.12.310 Containment and Notification of Spills.](#)

[15.12.320 Specified Performance Requirements for Industrial Activities.](#)

[15.12.322 Construction Sites With Building Permits.](#)

[15.12.325 Post Construction Requirements for New Development and Significant Redevelopment.](#)

[15.12.327 BMP Maintenance Requirements.](#)

[15.12.330 Administrative Rules and Regulations.](#)

[Article 4 Inspection and Monitoring](#)

[15.12.400 Scope of Inspections.](#)

[15.12.430 Monitoring Requirements for Industrial Facilities.](#)

[15.12.435 Reporting Requirements.](#)

[15.12.438 Confidentiality of Information.](#)

[15.12.440 Record Retention.](#)

[15.12.450 Fees.](#)

[Article 5 Enforcement](#)

[15.12.500 Enforcement at Construction Sites with Building Permits.](#)

[15.12.505 Notice of Violation.](#)

[15.12.520 Cease and Desist Orders.](#)

[15.12.525 Enforcement Actions—Content.](#)

[15.12.530 Delivery of Notice.](#)

[15.12.540 Administrative Appeals.](#)

[15.12.543 Conduct of Administrative Hearings—Generally.](#)

[15.12.545 Form and Contents of Decision—Finality of Decision.](#)

[15.12.548 Procedures for Collection of Administrative Civil Penalty.](#)

[15.12.549 Actions Not Prohibited.](#)

[15.12.550 Nuisance and Abatement.](#)

[15.12.555 Enforcement Policy.](#)

[15.12.560 Administrative Civil Penalties.](#)

[15.12.570 Criminal Penalties.](#)

[15.12.580 Miscellaneous Enforcement Provisions.](#)

[Article 6 Recovery of Cost Abatement](#)

[15.12.600 Costs of Abatement—Confirmation.](#)

[15.12.610 Costs—Assessments.](#)

[15.12.620 Treble Costs.](#)

[15.12.630 Hearing of Protests.](#)

[15.12.640 Assessment for Summary Abatement.](#)

[15.12.650 Time for Contest of Assessment.](#)

[15.12.660 Filing Copy of Report With County Auditor.](#)

Article 1 General Provisions

15.12.105 Title.

This Chapter shall be known as the “stormwater Ordinance.” (SCC 1280 § 2 (part), 2004)

15.12.110 Findings.

- a. The Federal Clean Water Act provides for the regulation and reduction of pollutants discharged into the Waters of the United States by extending National Pollutant Discharge Elimination System (NPDES) requirements to stormwater and urban runoff discharge into the County storm drain system.
- b. The State Water Resources Control Board (“State Board”) is the State water pollution control agency for all purposes of the Clean Water Act pursuant to Section 13160 of the California Water Code. The State Board is authorized by the United States Environmental Protection Agency to administer the NPDES program within the State. The Porter-Cologne Water Quality Control Act (Water Code section 13000 et seq.) provides authority for the State NPDES program, including provisions to issue NPDES Permits and Waste Discharge Requirements to regulate discharges of stormwater to waters of the State.
- c. Stormwater flows from individual properties to the County storm drain system and then ultimately to the waters of the State.
- d. The County is a co-permittee under the Waste Discharge Requirements for County of Sacramento and cities of Citrus Heights, Elk Grove, Folsom, Galt, and Sacramento, Storm Water Discharges from Municipal Separate Storm Sewer Systems Sacramento County (Order No. R5-2002-0206), dated December 6, 2002, which also serves as a National Pollutant Discharge Elimination System Permit under the Federal Clean Water Act (NPDES No. CAS082597). As a co-permittee, the County is required to possess the necessary legal authority, and to implement appropriate procedures, to regulate the entry of pollutants and non-stormwater discharges into and from the County storm drain system.
- e. The County’s Municipal Stormwater Permit requires the County effectively to prohibit non-stormwater discharges from the unincorporated urbanized area of the County into the County storm drain system except as otherwise permitted by federal law.
- f. Non-stormwater discharges and stormwater pollutants that are discharged directly to waters of the State without passing through the County storm drain system are not subject to the requirements of the Municipal Stormwater Permit. However, such discharges have the potential to degrade water quality and impact the quality of life for the people of the County. Regulation of such discharges by the County provides benefits to its people and protects the local environment.

g. The Board finds in this regard that the provisions of this Chapter are necessary to provide the County with the legal authority necessary to implement and otherwise comply with the requirements of its Municipal Stormwater Permit and to protect the waters of the State for the benefit of its people and the environment. (SCC 1295 § 1, 2005; SCC 1280 § 2 (part), 2004)

15.12.120 Purpose and Intent.

a. This Chapter is adopted pursuant to Article XI, Section 7 of the California Constitution which authorizes the County to exercise its police power to protect and promote the public health, safety and general welfare. While stormwater runoff is one step in the natural cycle of water, human activities, including, but not limited to, agriculture, construction, manufacturing and the operation of an urban infrastructure, may result in undesirable discharges of pollutants and certain sediments. Such discharges may accumulate in local drainage channels and waterways and eventually may be deposited in the natural surface waters. The purpose of this Chapter is to protect and enhance the watercourses within the unincorporated area of the County, by controlling the contribution of urban pollutants to stormwater runoff which enters the County storm drain system in a manner consistent with the Federal Clean Water Act, the Porter-Cologne Water Quality Control Act and Municipal discharge Permit No. CAS082597, and by controlling pollutants that are discharged directly to natural surface waters.

b. It is the intent of the Board in adopting this Chapter to provide the County with the legal authority to accomplish the following goals:

1. To benefit the people and environment of the County by protecting water quality in waters of the State;
2. To reduce the discharge of pollutants in stormwater to the maximum extent practicable, whether those discharges are made to the County storm drain system, or directly to natural surface waters;
3. To effectively prohibit Non-stormwater discharges into the County storm drain system or to natural surface waters;
4. To comply with the requirements of the Federal Clean Water Act, the Porter-Cologne Water Quality Control Act and NPDES Municipal Storm Water Discharge Permit #CAS082597 as they apply to the discharge of pollutants into and from the County storm drain system;
5. To fully implement the County's stormwater Quality Improvement Plan;
6. To protect the physical integrity and function of the County storm drain system from the effects of pollutants and materials other than stormwater;
7. To prevent the contamination of groundwater as a result of pollution migration from the County storm drain system;
8. To promote cost effective management and beneficial use of sediments in the County storm drain system;
9. To protect the health and safety of maintenance personnel and the public who may be exposed to pollutants in the County storm drain system or in natural surface waters;
10. To provide for the recovery of regulatory costs incurred by the County in the implementation of this Chapter or its stormwater Quality Improvement Plan, including, but not limited to, enforcement activities, compliance assistance, inspections, investigations, sampling and monitoring; and
11. To establish appropriate enforcement procedures and penalties for violations of the provisions of this Chapter. (SCC 1280 § 2 (part), 2004)

15.12.130 Definitions.

Any term(s) defined in the Federal Clean Water Act, as amended, and/or defined in the regulations for the stormwater discharge permitting program issued by the Environmental Protection Agency, as amended, and which are not specifically defined in this Chapter shall, when used in this Chapter, have the same meaning as set forth in said act or regulation.

As used in this Chapter, the following words and phrases shall have the meanings set forth below unless the context clearly indicates otherwise.

- a. "Administrator" means the Administrator of the County of Sacramento's Municipal Services Agency and his or her designees.
- b. "Best management practices" or BMPs means schedules of activities, prohibition of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce to the maximum extent practicable the discharge of pollutants to the County storm drain system or directly or indirectly to natural surface waters. BMPs shall also be defined to include structural controls, treatment controls, source controls, training requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, and drainage from raw materials storage.
- c. "Board" means the Board of Supervisors of the County of Sacramento.
- d. "County" means the County of Sacramento.
- e. "County stormwater permit" means a permit issued to industries by the County to establish requirements intended to eliminate Non-stormwater discharges and control, reduce, or eliminate pollutants in stormwater.
- f. "County storm drain system" means those public man-made facilities within the unincorporated area of the County which are owned, operated, maintained or controlled by the County by which stormwater may be conveyed to natural surface waters, including, but not limited to, any roads with drainage systems, municipal streets, catch basins, water quality basins, detention basins, constructed wetlands, artificial channels, aqueducts, curbs, gutters, ditches, sumps, pumping stations, storm drain inlets, and storm drains.
- g. "Director of Water Resources" means the Director of the County's Department of Water Resources, and his or her designees.
- h. "Discharge" means the release or placement of any material into the County storm drain system or natural surface waters, including, but not limited to, stormwater, wastewater, pollutants, solid materials, liquids, hazardous waste, raw materials, debris, litter or any other substance.
- i. "Discharger" means any person who discharges, or causes to discharge, either directly or indirectly, stormwater or any other material into the County storm drain system or to natural surface waters.
- j. "Illicit connection" means any physical connection to the County storm drain system or natural surface waters which is not expressly authorized by the County.
- k. "Implementing agency" means the agency or department designated by the Administrator to enforce the provisions of this Chapter with respect to a particular site, facility or industry category.
- l. "Industry" or "industrial activity" means any service, business, enterprise, or any other activity conducted by any person for the purpose of monetary or other compensation, or in support of or promotion of such activity. This term shall also mean any similar activity conducted by a non-profit

corporation as defined by the State of California.

m. “Material” means any substance, including, but not limited to, raw materials, finished products, garbage and debris, lawn clippings, leaves and other vegetation, biological and fecal waste, sediment and sludge, oil and grease, gasoline, paints, solvents, cleaners and any fluid or solid containing chemicals.

n. “Municipal Stormwater Permit” means NPDES Permit #CAS082597, including any amendments thereto or successor permit, issued by the Regional Board to the County and the cities of Citrus Heights, Elk Grove, Folsom, Galt, Rancho Cordova, and Sacramento.

o. “National Pollution Discharge Elimination System Permit” or “NPDES Permit” means a permit issued by either the Regional Board, the State Water Resources Control Board pursuant to Chapter 5.5 (commencing with Section 13370) of Division 7 of the Water Code, or the United States Environmental Protection Agency to control discharges from point sources to natural surface waters.

p. “Natural surface water” means creeks, natural ponds or lakes, wetlands, the Sacramento River, American River, Cosumnes River, Mokelumne River, Lake Natoma, or navigable waters of the delta and shall include any waters of the United States contained within the boundaries of the State. Natural surface water does not mean any wet or dry detention basin, constructed wetland, stormwater treatment facility, artificial lake or pond or other man-made body of water.

q. “Non-stormwater discharge” means any discharge to the County storm drain system or directly to natural surface waters which did not originate as surface runoff and drainage from storm events and snow melt, but essentially resulted from human activities, or materials or processes under a persons control. Non-stormwater discharges include but are not limited to discharges of: (1) water that has been used by a person for any purpose such as cleaning, rinsing, cooling, irrigation, aquaculture, recreation, cooking, and industrial processes; (2) water or wastewater that originates or flows from equipment, valves, piping, hoses, containers, tanks, or other man-made apparatus; or (3) any discharge of materials or wastes other than water.

r. “Person” means any natural person as well as any corporation, partnership, public agency, trust, estate, cooperative association, joint venture, business entity or other similar entity, or the agent, employee or representative of any of the above.

s. “Pollutant” means any contaminant or other substance which, as determined by the Administrator, is discharged or has a reasonable potential to be discharged in sufficient quantities or concentrations to cause exceedance of receiving water limitations, or otherwise cause a violation of the Municipal Stormwater Permit. Pollutant may include, but is not limited to, solid waste, sewage, garbage, medical waste, wrecked or discarded equipment, radioactive material, dredged soil, rock, sand, industrial waste, feces, fecal coliform, fecal streptococcus, enterococcus, volatile organic carbon, surfactants, oil and grease, petroleum hydrocarbon, organic solvents, metals, phenols, pesticides, nutrients, suspended or settleable solids, materials causing an increase in biochemical or chemical oxygen or total organic carbon, substances which alter pH, and those pollutants defined in Section 1362(6) of the Federal Clean Water Act.

t. “Potential discharger” means any person who by nature of the enterprise, activity or industry in which such person is engaged, or by the use, possession or ownership of specified types of building, facility, equipment, or materials, is determined by the Administrator to generate or have the capacity to generate pollutants, wastes, or wastewater which have significant potential to be discharged to the County storm drain system or directly to any natural surface waters.

- u. “Premises” means any building, lot, parcel or land, or portion thereof, whether improved or unimproved.
- v. “Prohibited non-stormwater discharge” means any non-stormwater discharge to the County storm drain system or directly to natural surface waters, which is not otherwise specifically authorized by this Chapter, the Regional Board, State or Federal law, or an NPDES Permit.
- w. “Prohibited non-stormwater discharge installation” means any structure or equipment installed at a person’s premises that is not directly connected to the County drain system, but nonetheless is intended or serves to discharge or convey a prohibited non-stormwater discharge to the County storm drain system or waters of the State.
- x. “Receiving water limitations” is as defined and listed in Section B.1. of the Municipal Stormwater Permit or any successor document.
- y. “Receiving waters” means surface bodies of water, as defined by the Municipal Stormwater Permit, including, but not limited to, creeks and rivers, which serve as discharge points for the County storm drain system.
- z. “Regional Board” means the California Regional Water Quality Control Board, Central Valley Region.
- aa. “Significant industrial activity” means any industrial activity, individual industrial facility, or class of industrial facilities which is determined by the Administrator to discharge or have the potential to discharge pollutants into stormwater, or non-stormwater in quantities or concentrations which may cause exceedance of receiving water limitations, or for which a requirement has been imposed by the state or federal government on the County to conduct stormwater regulatory activities focused on the facility or activity.
- bb. “Significant redevelopment” means the creation or addition of at least five thousand (5,000) square feet of impervious surfaces on an already developed site. Significant redevelopment includes, but is not limited to expansion of a building footprint, or replacement of a structure; replacement of impervious surface that is not part of a routine maintenance activity; and land-disturbing activities related to structural or impervious surfaces.
- cc. “Specified performance requirements” means standards adopted by the County that define required conditions or results regarding the elimination of non-stormwater discharges or the control of pollutants in stormwater from specified sources.
- dd. “State Construction General Permit” means the State Water Resources Control Board’s Order No. 99-08 – DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 Waste Discharge Requirements (WDRS) for discharges of Storm Water Runoff Associated With Construction Activity, and any successor documents.
- ee. “State Industrial General Permit” means the State Water Resources Control Board’s “Water Quality Order No. 97-03-DWQ, National Pollutant Discharge Elimination System General Permit No. CAS000001, Waste Discharge Requirements for Discharges of Storm Water Associated With Industrial Activities Excluding Construction Activities” and any successor documents.
- ff. “Stormwater” means surface runoff and drainage resulting from storm events and snow melt, including surface runoff and drainage that contains pollutants as a result of contact with man-made or natural sources.
- gg. “Threatened prohibited non-stormwater discharge” means any condition or activity which does not currently result in a prohibited non-stormwater discharge but is nevertheless determined by the Administrator to be a condition which results in a substantial likelihood of a future prohibited non-

stormwater discharge;

- hh. “Unmitigated stormwater pollutant source” means any existing condition that if left unmitigated is reasonably likely, as determined by the Administrator, to result in a discharge of pollutants in stormwater that will cause or contribute to an exceedance of receiving water limitations, harm or interfere with the County storm drain system, or otherwise pose a threat to public health and safety.
- ii. “Waters of the United States” has the same meaning as set forth in Part 122.2 of Title 40 of the Code of Federal Regulations or any successor provision. (SCC 1295 § 2, 2005: SCC 1280 § 2 (part), 2004)

15.12.135 Construction.

The provisions of this Chapter shall be construed to assure consistency with the requirements of the Federal Clean Water Act and any acts amendatory thereof or supplementary thereto, applicable implementing regulations, and NPDES Permit # CAS082597 and any amendment, revision or re-issuance thereof. In the event of a conflict between this Chapter and any federal or state law, regulation, order or permit, the requirement which establishes the higher standard for public health and safety shall govern. (SCC 1280 § 2 (part), 2004)

15.12.140 Applicability.

The provisions of this Chapter shall be applicable to all dischargers and potential dischargers located within the unincorporated area of the County and all dischargers or potential dischargers that discharge either directly or indirectly into the County storm drain system. This Chapter shall also apply, within the unincorporated area of the County, to stormwater and Non-stormwater discharges made directly to natural surface waters. This Chapter shall not be applicable to discharges occurring outside the unincorporated area of the County.

This Chapter shall apply to facilities subject to the State Construction General Permit; the pollutant control provisions of the County Erosion and Sediment Control Ordinance, County Grading permit, or a Building Permit; or any other instrument of the County that establishes pollutant control provisions for construction sites. However, compliance with the requirements of these permits and the Erosion and Sediment Control Ordinance shall constitute compliance with this Chapter.

This Chapter shall not apply to activities conducted by or facilities operated by the State of California or by agencies of the Federal Government. (SCC 1280 § 2 (part), 2004)

15.12.150 Regulatory Consistency.

The provisions of this Chapter shall take precedence over and are controlling with respect to any conflicting or inconsistent provisions in this Code. (SCC 1280 § 2 (part), 2004)

15.12.160 Compliance Disclaimer.

Compliance by any person with the provisions of this Chapter shall not preclude the need to comply with other local, state or federal statutory or regulatory requirements relating to the control of pollutant

discharges or protection of stormwater quality, or both. (SCC 1280 § 2 (part), 2004)

15.12.170 Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Chapter. The Board hereby declares that it would have adopted this Chapter and each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof without regard to whether any other section, subsection, subdivision, paragraph, sentence, clause or phrase of this Chapter would subsequently be declared to be invalid or unconstitutional. (SCC 1280 § 2 (part), 2004)

15.12.180 Administration.

Except as otherwise provided herein, the authority to implement this Chapter is vested in the Administrator who shall be responsible for the administration, implementation and enforcement of the provisions of this Chapter. Unless otherwise specified herein, any powers granted to or duties imposed upon the Administrator may be delegated by the Administrator to other County employees or, upon the approval of the Board, to employees of other public agencies. (SCC 1280 § 2 (part), 2004)

15.12.190 Disclaimer of Liability.

The degree of protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific, engineering and other relevant technical considerations. The standards set forth herein are minimum standards and this Chapter does not imply that compliance will ensure that there will be no unauthorized discharge of pollutants into natural surface waters. This Chapter shall not create liability on the part of the County or any officer or employee thereof for any damages that result from reliance on this Chapter or any administrative decision lawfully made there under. (SCC 1280 § 2 (part), 2004)

Article 2 Prohibited Discharges

15.12.200 Prohibited Non-Stormwater Discharge.

Except as provided in Section 15.12.210, it shall be unlawful for any person to make or cause to be made any Non-stormwater discharge into the County storm drain system or directly to natural surface waters. (SCC 1280 § 2 (part), 2004)

15.12.210 Exceptions To Non-Stormwater Discharge Prohibition.

The following discharges to the County storm drain system are exempt from the otherwise applicable

discharge prohibition set forth in Section 15.12.200:

- a. Any discharge regulated under a NPDES Permit issued to the discharger, and administered by the State pursuant to Chapter 5.5 of Division 7 of the Water Code, provided that any such discharge is in compliance with all requirements of the NPDES Permit and all other applicable laws and regulations.
- b. Any discharge from any of the following activities provided that any such discharge does not cause or contribute to the violation of any receiving water limitation as determined by the Administrator:
 1. Water line flushing;
 2. Landscape irrigation;
 3. Diverted stream flows;
 4. Rising ground waters;
 5. Uncontaminated ground water infiltration [as defined in 40 CFR 35.2005(20)] to separate storm sewers;
 6. Uncontaminated pumped ground water;
 7. discharges from potable water sources;
 8. Foundation drains;
 9. Air conditioning condensate;
 10. Uncontaminated irrigation water;
 11. Springs;
 12. Water from crawl space pumps;
 13. Footing drains;
 14. Lawn watering;
 15. Individual residential car washing;
 16. Flows from riparian habitats and wetlands;
 17. Dechlorinated swimming pool discharges; or
 18. discharges or flows from emergency fire fighting activities.
- c. Any discharges which the Administrator, the County Health Officer or the Regional Board determines in writing are necessary for the protection of public health or safety.
- d. Additional categories of non-stormwater discharges which do not cause or contribute to the violation of any receiving water limitation may be excepted from the otherwise applicable prohibition by the Administrator upon approval of the Executive Officer of the Regional Board, as provided in the Municipal Stormwater Permit, or any successor permit. (SCC 1280 § 2 (part), 2004)

15.12.220 Exception to Otherwise Applicable Exemptions.

Notwithstanding the exemptions provided for in Section 15.12.210 above, if the Regional Board or the Administrator determines that a discharge which is otherwise exempt from the prohibition on discharges causes or significantly contributes to the violation of any receiving water limitation or results in the conveyance of significant quantities of pollutants to natural surface waters, or is otherwise a danger to public health or safety, the Administrator may give written notice to the owner or operator of the facility that the discharge exception shall not apply to the discharge at issue following expiration of the thirty (30) day period commencing upon delivery of the notice. Upon expiration of such thirty (30) day period, any such discharge shall be unlawful. Upon finding that any continuance of the discharge poses an immediate significant threat to the environment or to public health and safety, the Administrator may

waive the thirty day waiting period and require immediate cessation of the discharge. (SCC 1280 § 2 (part), 2004)

15.12.230 Prohibited Stormwater Discharges.

It shall be unlawful for any person to discharge, or cause to be discharged, any stormwater or material to the County storm drain system which results in, or contributes to a violation of a receiving water limitation or a violation of the Municipal Stormwater Permit. (SCC 1280 § 2 (part), 2004)

15.12.240 Prohibited Conditions.

a. In the interest of preventing prohibited discharges from occurring, it shall be unlawful for any person to maintain, or cause to be maintained, any of the following conditions:

1. Unmitigated stormwater pollution source;
2. Threatened prohibited non-stormwater discharge;
3. Prohibited non-stormwater discharge Installation; or
4. Illicit connection.

b. Illicit connections shall be subject to removal and abatement by the County pursuant to this Chapter and Title 16 of this Code.

c. The prohibition set forth in subsection (a)(4) above shall apply to illicit connections in existence at the time that this Chapter becomes effective. Upon the effective date of this Chapter, any person who maintains an illicit connection shall have thirty (30) days from the effective date of this Chapter to disconnect and discontinue use of such connection. Notwithstanding the provisions of this section, any person who maintains an illicit connection, as defined in Section 15.12.130, may apply to the County for a Sacramento County Water Agency Permit to continue the connection subject to applicable County standards. No permit shall be issued for any connection or any physical facility or apparatus that is installed, intended, serves, or is known to convey a prohibited discharge to the County storm drain system or waters of the State. (SCC 1295 § 3, 2005: SCC 1280 § 2 (part), 2004)

15.12.250 Negligence or Intent Not Required.

A violation of the provisions of this Article shall occur irrespective of the negligence or intent of the violator to construct, maintain, operate or utilize an illicit connection or to cause, allow or facilitate any prohibited discharge. (SCC 1280 § 2 (part), 2004)

Article 3 Reduction of Pollutants in Stormwater

15.12.300 General Requirements for Best Management Practices.

Any person engaged in activities which may result in pollutants entering the stormwater conveyance system shall, to the maximum extent practicable, undertake BMPs to reduce the risk of Non-stormwater discharge and/or pollutant discharge. (SCC 1280 § 2 (part), 2004)

15.12.302 Significant Industrial Activities.

- a. The Administrator may designate as significant industrial activities those industrial activities or facilities which are identified as potentially significant sources of discharges of pollutants to the County storm drain system. A significant industrial activity may occur at stationary facilities or as a mobile activity that takes place at various job sites.
- b. Industries for which the Municipal Stormwater Permit specifies that the County shall conduct routine inspections, or which are listed in Municipal Stormwater Permit provision 9 ii c, are hereby designated as significant industrial activities.
- c. Notwithstanding subsection (b) of this section, food establishments, as defined in the Section 113780 of the State of California Health and Safety Code, shall not be designated as significant industrial activities.
- d. Significant industrial activity designations that apply only to individual facilities may be made by the Administrator and are subject to appeal under section 15.12.540 of this Chapter.
- e. Significant industrial activity designations made by the Administrator pursuant to subsection (a) of this section that apply to classes of activities or facilities shall be subject to the requirements of Section 15.12.330 of this Chapter governing the adoption of regulations. (SCC 1295 § 4, 2005: SCC 1280 § 2 (part), 2004)

15.12.305 County Stormwater Permit.

- a. The Administrator may require the owner or operator of a significant industrial activity to obtain a County stormwater permit, which may establish any provisions necessary for the implementation of this Chapter, effective control of stormwater pollutants and non-stormwater discharges, and compliance with the Municipal Stormwater Permit. Provisions may include but are not limited to applicable specified performance requirements; and reporting, documentation, training, and monitoring requirements.
- b. Notwithstanding subsection (a) of this Section, food establishments, as defined in the State of California Health and Safety Code Section 113780, and industrial facilities required to obtain coverage under the State Industrial General Permit shall not be required to obtain a County stormwater permit.
- c. The County stormwater permit shall describe the aspects of business to which it applies, which may include but are not limited to areas, equipment, buildings, industrial processes, or activities of the business.
- d. Any person who continues to own or operate a significant industrial activity without obtaining a County stormwater permit if required by the Administrator, shall be in violation of this Chapter.
- e. The Administrator may establish permit fees, according to the provisions of Section 15.12.450 of this Chapter, to fund the County's costs associated with regulating the permitted activity, including but not limited to administration, inspection, enforcement, compliance assistance, and outreach
- f. The Administrator may revoke a County stormwater permit for significant violations of this Chapter. Prior to issuance or revocation of any permit, the Administrator shall establish, as part of the enforcement policy required by Section 15.12.555, written policy regarding permit administration, including timelines and criteria for permit revocation and permit reinstatement. Permit revocation and reinstatement decisions by the Administrator shall be subject to appeal under Section 15.12.540 of this

Chapter. (SCC 1280 § 2 (part), 2004)

15.12.310 Containment and Notification of Spills.

- a. Any person owning or occupying a premises, or conducting any activity, that has knowledge of any non-stormwater discharge or threatened prohibited discharge, from the premises or activity to the County stormwater conveyance system shall immediately take all reasonable action to contain and otherwise minimize any such discharge.
- b. The Administrator may designate individual facilities or types of industries where the owner or operator of the Industry shall be required to notify the Administrator or the implementing agency within twenty-four (24) hours of the discovery of an actual discharge into the County stormwater conveyance system.
- c. For any discharge subject to the reporting requirements of the State of California Water Code sections 13271 and 13272, notification in compliance therewith shall constitute sufficient notification for the purposes of this Section. (SCC 1295 § 5, 2005: SCC 1280 § 2 (part), 2004)

15.12.320 Specified Performance Requirements for Industrial Activities.

- a. The Administrator may establish specified performance requirements for significant industrial activities that are intended to apply to a class or classes of industries. Such requirements shall be subject to the provisions for adoption of regulations under Section 15.12.330 of this Chapter.
- b. The Administrator may impose specified performance requirements that apply to single facilities. Such requirements shall be subject to appeal under Section 15.12.540 of this Chapter.
- c. Any facility that it is in compliance with its State or Federal NPDES Permit for stormwater discharges for that facility shall be deemed to have met the requirements of Section 15.12.300, except that any specified performance requirements applicable to such facilities shall also be met. (SCC 1280 § 2 (part), 2004)

15.12.322 Construction Sites With Building Permits.

Any person owning or operating a construction site for which a building permit has been issued shall implement BMPs to control the discharge of pollutants to the maximum extent practicable, and eliminate non-stormwater discharges that are not in compliance with an NPDES Permit. (SCC 1280 § 2 (part), 2004)

15.12.325 Post Construction Requirements for New Development and Significant Redevelopment.

- a. The Administrator shall be authorized to establish specified performance requirements and requirements for BMPs as appropriate to minimize the long-term, post construction discharge of stormwater pollutants from new development or significant redevelopment, to implement the development standards plan, and to comply with the requirements associated with development standards in the Municipal Stormwater Permit, including but not limited to Provisions 16 through 26.

The requirements for new development or redevelopment may include but are not limited to performance standards, source control BMPs, treatment BMPs, structural BMPs, operational BMPs, building material specifications or limitations, site design requirements, signage and marking, and associated maintenance programs or schedules.

b. Requirements established pursuant to subsection (a) of this section may be included in development standards, building codes, building permits, conditions of development, or any other appropriate instrument administered by the County. (SCC 1280 § 2 (part), 2004)

15.12.327 BMP Maintenance Requirements.

The Administrator may require a property owner to establish, document, and conduct a maintenance program, subject to approval, for any BMP or to ensure continued compliance with specified performance requirements. This requirement may apply to BMPs required by the County or BMPs that were voluntarily installed. Such a maintenance program may be required when the Administrator determines that proper maintenance is necessary to protect public safety, health, infrastructure, or the environment, or to otherwise meet the purposes of this Chapter. Maintenance requirements established pursuant to this subsection must be appropriate for the site conditions and design of BMPs. (SCC 1295 § 6, 2005; SCC 1280 § 2 (part), 2004)

15.12.330 Administrative Rules and Regulations.

a. The Administrator shall have the authority to promulgate regulations for the implementation of this Chapter. Prior to the Administrator's initiation of any proposed regulations, the Administrator shall submit a public input plan to the Board for its approval. The public input plan approved by the Board shall be generally applicable to the promulgation of regulations by the Administrator.

b. All regulations promulgated by the Administrator shall be consistent with the provisions of this Chapter. Any such regulations, or amendments thereof, shall be filed with the Clerk of the Board. The Clerk shall cause announcement of said rules or regulations to be published in a newspaper of general circulation within ten calendar days. Such announcements shall provide a reasonable summary of the content of the rule. In addition, the Administrator shall make a reasonable effort to identify, notify, and provide copies to any industries which are specifically designated by the Administrator as subject to a rule or regulation. However, neither the failure of the Administrator to provide such notice nor the failure to receive individual notice shall exempt an industry from that rule or regulation. No regulations promulgated by the Administrator or amendments thereof, shall be enforced or become effective until thirty (30) calendar days following the date on which notification of the regulations are published.

c. Any person who asserts that he or she is aggrieved by the terms or application of a regulation issued pursuant to this section may appeal the issuance of such regulation by filing a written notice of appeal with the Clerk of the Board. The notice of appeal shall specifically identify the regulation or regulations from which the appeal is taken and the reasons for the appeal. Upon receipt of such notice, the Clerk of the Board shall schedule the appeal for a public hearing by the Board. At the conclusion of the public hearing the Board shall be vested with jurisdiction to deny the appeal or to rescind or modify the regulation. The Board's determination in this regard shall be final.

d. Any regulation from which an appeal is filed prior to its effective date shall not become effective until

the date of a determination by the Board of the appeal. Any regulation from which an appeal is filed on or subsequent to the effective date thereof shall remain in full force and effect during the pendency of the appeal, and any decision which rescinds or modifies the regulation shall apply prospectively. (SCC 1280 § 2 (part), 2004)

Article 4 Inspection and Monitoring

15.12.400 Scope of Inspections.

- a. Prior to commencing any inspection authorized pursuant to this Chapter, the Administrator shall obtain the consent of the owner or occupant of the premises, an inspection warrant or a criminal search warrant.
- b. The Administrator may conduct inspections related to purposes of implementing this Chapter on private or public property. Inspections shall be based upon such reasonable selection processes as may be deemed necessary to carry out the objectives of this Chapter, including, but not limited to, compliance with requirements of the Municipal Stormwater Permit, visual evidence, complaints received, knowledge or physical evidence of industrial activities or other pollutant sources, random sampling, sampling in areas with evidence of stormwater contamination, illicit connections, discharge of non-stormwater to the County storm drain system or similar factors.
- c. The Administrator may enter upon private property to investigate the source of any discharge to any public street, inlet, gutter, storm drain or the County storm drain system.
- d. The Administrator may enter upon private property for the purpose of verifying compliance with the provisions of this Chapter, including, but not limited to, the following:
 1. Identifying products produced, processes conducted, chemicals used and materials stored on or contained within the property;
 2. Identifying point(s) of discharge of all wastewater, process water systems, pollutants and other discharges from the property;
 3. Investigating the drainage patterns of the premises, including natural and graded slopes, and artificial conveyance systems;
 4. Establishing the location of all points of discharge from the property, whether by surface run-off or through a storm drain system;
 5. Locating any prohibited condition, illicit connection, or the source of any prohibited discharge; and
 6. Evaluating implementation of BMPs.
- e. For purposes of verifying compliance with the provisions of this Chapter, the Administrator may inspect any vehicle, truck, trailer, tank truck or other mobile equipment, or any stationary equipment, which may reasonably be believed to be used by the business for business-related activities and to be associated with industrial sources of pollutants or with non-stormwater discharges.
- f. The Administrator may inspect and copy all records of the owner or occupant of any premises relating to chemicals or processes presently or previously occurring on-site, including materials and/or chemical inventories, facilities maps or schematics or diagrams, material safety data sheets, hazardous waste manifests, business plans, pollution prevention plans, state general permits, monitoring program plans or any other records relating to illicit connections, prohibited discharges or the potential discharge of pollutants to the County storm drain system. In addition, the Administrator may require the owner or

occupant to furnish, within a reasonable time period, copies of all such records.

g. The Administrator may inspect, sample and test any area runoff, soils area (including any groundwater testing), process discharge, materials within any waste storage area (including any container contents), and/or treatment system discharge for the purpose of determining the potential for the contribution of pollutants to the County storm drain system. The Administrator may investigate the integrity and layout of all storm drain and sanitary sewer systems or other pipelines on the premises using appropriate tests, including, but not limited to, smoke and dye tests or video surveys. The Administrator may take photographs or video tape, make measurements or drawings, and create any other record reasonably necessary to document conditions on the premises.

h. The Administrator may erect and maintain monitoring and sampling devices for the purpose of measuring any discharge or potential source of discharge to the County storm drain system. (SCC 1295 § 7, 2005: SCC 1280 § 2 (part), 2004)

15.12.430 Monitoring Requirements for Industrial Facilities.

a. The Administrator may require industries, at their own expense, to conduct and report monitoring of stormwater and non-stormwater discharges from their facilities and operations, for purposes necessary for the implementation of this Chapter or compliance with the Municipal Stormwater Permit. The goals of monitoring may include but are not limited to characterization of known and potential pollutant sources, pollutant content of discharges, and BMP effectiveness. Required forms of monitoring may include but are not limited to toxicity, flow, and analysis of pollutant concentrations.

b. The Administrator may designate specific monitoring requirements and/or require the discharger or potential discharger to submit a monitoring plan that describes specific monitoring requirements. Specific monitoring requirements may include sampling points, sampling times or deadlines, analysis and sampling methods, frequencies, storm event criteria, and other specifications necessary to ensure timely, adequate, accurate, and representative monitoring;

c. The discharger or potential discharger shall ensure that the integrity of the sample is protected at all times, including collection, handling, splitting, transport, and storage. Deliberate tampering with or altering of a sample shall be a violation of this Chapter.

d. The Administrator may specify information that must be documented in association with any sampling and monitoring event. At a minimum, unless otherwise allowed by the Administrator, the discharger or potential discharger shall record and maintain the following information for each sampling event:

1. The date, exact place, method and time of sampling;
2. The name, title, and employer of the person or persons taking the samples;
3. Sample preservation used;
4. The dates analyses were performed;
5. Sample chain of custody forms;
6. Who performed the analyses;
7. Analytical methods used, including detection limits;
8. Quality assurance and quality control documentation;
9. Laboratory reports of analytical results;
10. Any unusual observations or conditions noted during sample acquisition or analysis.

e. Any information submitted pursuant to this section shall be subject to the approval of the Administrator and the Administrator may require additional information if the Administrator determines the information submitted is incomplete or insufficient. (SCC 1280 § 2 (part), 2004)

15.12.435 Reporting Requirements.

- a. The Administrator may require any person to report information for purposes related to the purpose and intent of this Chapter. Required information may include but is not limited to the following: characterization of industrial activities; compliance with this Chapter, compliance with a County stormwater permit; compliance with State General Permit requirements; compliance with the County stormwater Ordinance; compliance with administrative enforcement orders or other enforcement actions; discharge monitoring; training; and BMP implementation, effectiveness, and maintenance.
- b. The Administrator may require information to be submitted on an as needed basis, or according to a specific schedule as specified in a County stormwater permit.
- c. The Administrator may require submitted information to be compiled, summarized, analyzed or organized in a reasonable manner that facilitates its interpretation or other use. As necessary to facilitate the use of information, the Administrator may also specify the medium and format of required submittals.
- d. Failure to provide information in a timely manner as required by the Administrator, or knowingly or negligently concealing, destroying, or providing false information shall be a violation of this Chapter. (SCC 1295 § 8, 2005: SCC 1280 § 2 (part), 2004)

15.12.438 Confidentiality of Information.

- a. Information and data on a discharger or potential discharger obtained from inspections, reports, questionnaires, applications, permits, monitoring programs, records, or any other form of submittal to the County shall be available to the public or other governmental agency without notification unless the discharger or potential discharger specifically requests confidentiality as to any portion thereof and is able to demonstrate to the satisfaction of the Administrator that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the discharger or potential discharger. Stormwater and non-stormwater discharge constituents and characteristics will not be recognized as confidential information, and effluent data shall be available to the public without restriction.
- b. When requested by a discharger or potential discharger furnishing information to the County, and agreed to by the Administrator, the portions of that information which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available to the County and other governmental agencies for uses related to the ordinance codified in this Chapter, the National Pollutant Discharge Elimination System (NPDES) and/or the pretreatment program, and enforcement of other environmental regulatory programs. Those portions of the information shall also be available for use by the state or any state agency in judicial review or enforcement proceedings involving the discharger or potential discharger furnishing the information.
- c. Information and data requested from a discharger or potential discharger which the discharger or potential discharger believes to be proprietary and the release of which to the public would substantially

impair the operations or business interests of the discharger or potential discharger, may alternatively be provided to the County for its review at the facility of the discharger or potential discharger rather than provided to the County for its keeping, at the discretion of the County. The burden will be on the discharger or potential discharger to demonstrate to the satisfaction of the County that such information is proprietary and that this alternative procedure is necessary or appropriate and will not prevent the County from properly carrying out the objectives of this Chapter

d. In the event access to or disclosure of any such confidential or proprietary information is requested pursuant to an action brought under federal or state laws, the County shall have the option, in its sole discretion, of defending itself in such action or requiring the discharger or potential discharger to provide a defense. If the County makes written tender upon a discharger or potential discharger to defend such an action with counsel acceptable to County and such discharger or potential discharger does not appear in and assume the defense of such action within the time specified in the tender, the County shall be free to disclose the information to the party making request therefore. In any event, the discharger or potential discharger shall be liable to the County in defending such action and for any judgment rendered against the County in such action. Payment of all such amounts shall be made by the discharger or potential discharger within thirty (30) days of billing by the County. (SCC 1295 § 9, 2005: SCC 1280 § 2 (part), 2004)

15.12.440 Record Retention.

Any reports, data, or other records and documentation required by the Administrator of a discharger to be collected or submitted for characterizing discharges, demonstrating compliance with this Chapter, or otherwise related to the purposes of this Chapter, shall be retained at the discharger's premises and made readily available to the Administrator for a period of not less than three years. (SCC 1295 § 10, 2005)

15.12.450 Fees.

The Administrator shall collect such fees as may be established by the Board to provide for the recovery of regulatory costs, including routine inspections and other regulatory functions associated with this Chapter. Any such fees shall be established by resolution of the Board. Failure to pay required fees within the time period set in policy established by the Administrator shall be a violation of this Chapter. There shall be no fee assessed to appeal the determination that a person conducts any significant industrial activity. (SCC 1280 § 2 (part), 2004)

Article 5 Enforcement

15.12.500 Enforcement at Construction Sites with Building Permits.

Any person found to be in violation of any provision of this Chapter in connection with activities subject to a building permit issued pursuant to Title 16 of the Sacramento County Code, shall be subject to the enforcement provisions of both this Chapter and Title 16. (SCC 1295 § 11, 2005: SCC 1280 § 2 (part), 2004)

15.12.505 Notice of Violation.

The Administrator may issue a notice of violation to any person found to be in violation of a provision of this Chapter, including any regulation, permit, information request, order, variance, or other requirement that the Administrator is authorized to enforce or implement pursuant to this Chapter. (SCC 1280 § 2 (part), 2004)

15.12.520 Cease and Desist Orders.

- a. Any violation of this Chapter in which the Administrator also determines that the violation constitutes an immediate threat to public health or safety, including by way of illustration and not limitation, significant harm to human or aquatic life or to the County storm drain system or natural surface waters, may result in an order to immediately cease and desist all activities causing such immediate threat.
- b. A cease and desist order shall direct the owner or occupant of any premises subject to this Chapter, or any person named therein which is subject to this Chapter, to immediately discontinue all or specified prohibited conditions or discharges to the County storm drain system, natural surface waters, or otherwise, until such time as abatement actions sufficient in the determination of the Administrator have been satisfactorily effected and so confirmed by written amendment to said cease and desist order.
- c. Any cease and desist order may be appealed pursuant to the administrative appeals process of this Chapter; provided, however, the effect of the cease and desist order shall remain in effect pending final determination thereof. Nothing shall limit the Administrator's authority to continue enforcement actions under a pending cease and desist order, including modifying a cease and desist order consistent with the purpose and intent of this Chapter.
- d. Any cease and desist order shall be cumulative with all of the remedies in this Chapter and as provided by law.
- e. A cease and desist order shall inform the discharger of the Administrator's authority and intent to conduct abatement of the violation or threatened violation according to Section 15.12.550, if the discharger fails to comply with the requirements of the order within the specified time frame.
- f. If the discharger fails to comply with a cease and desist order within the time specified in the order, the Administrator may conduct abatement of the violation according to Section 15.12.550.
- g. Nothing in this section requires the Administrator to issue a cease and desist order before conducting summary abatement as provided under Section 15.12.550. (SCC 1295 § 12, 2005: SCC 1280 § 2 (part), 2004)

15.12.525 Enforcement Actions—Content.

- a. In addition to any other content, a notice of violation, or a cease and desist order shall contain the following elements:
 1. A statement of the Administrator's findings that indicates a violation has occurred.
 2. A citation of the provision of this Chapter that has been violated.
 3. A date by which any person must be in compliance with this Chapter, or a date by which an action plan must be submitted by the person to propose a means and time frame by which to correct violations.

The Administrator may extend the compliance date when good cause exists for such an extension.

4. Notification that continued non-compliance may result in additional enforcement action being taken against the business, facility, or any responsible persons.

5. Notification that the County may recover any costs incurred by the County as a result of the violation.

6. Notification that a violation of this Chapter may result in an administrative civil penalty of up to five thousand dollars (\$5,000.00) per violation for each day that the violation occurs, or in criminal penalties.

7. Notification that the recipient has a right to a hearing on the matter as set forth in Section 15.12.540 of this Chapter, to determine the enforcement of any administrative civil penalty sought by the Administrator, or to appeal any findings or required corrective actions established by the Administrator.

8. Notification of hearing dates, appeal deadlines, and procedures for requesting a hearing established according to Section 15.12.540 of this Chapter.

b. In addition to any other content, a notice of violation, or a cease and desist order, or a notice of administrative civil penalty may establish required corrective actions, including the following:

1. Terms, conditions, and requirements reasonably related to the provisions of this Chapter, including the following:

A. Cessation of illicit discharges.

B. Correction of prohibited conditions.

C. A requirement for submittal of a written action plan for achieving and maintaining compliance with this Chapter. The Administrator may require the action plan to address specific items, including the following:

i. Specific time schedules for compliance;

ii. Description of BMPs that will be implemented for containment, cleanup, removal, storage, or proper disposal of any material having the potential to contribute pollutants to stormwater runoff;

iii. Identification of persons responsible for compliance with this Chapter.

D. Reporting requirements to demonstrate ongoing compliance.

2. A requirement that the person receiving same shall submit written certification to the Administrator that the necessary corrective actions have been completed. As appropriate for the type of correction action taken, the notice of violation may require documentation that substantiates the certification, including but not limited to receipts, contracts, or photographs.

3. Any other terms or conditions reasonably calculated to prevent additional or on-going violations of this Chapter.

c. A notice of violation, a cease and desist order, or a notice of administrative civil penalty may be issued separately or in combination with another notice or order for the same violations or set of related violations. (SCC 1295 § 13, 2005; SCC 1280 § 2 (part), 2004)

15.12.530 Delivery of Notice.

Any notice of violation, cease and desist order, permit revocation, notice of administrative civil penalty or other enforcement action pursuant to the requirements of this Chapter shall be subject to the following requirements:

a. Delivery shall be deemed complete upon either personal delivery to the recipient or by deposit in the U.S. Mail postage pre-paid for first class delivery.

b. Where the recipient of the notice or order is the owner of the premises, the address for notice or order

shall be the address from the most recently issued equalized assessment roll for the premises.

c. Where the owner or occupant of any premises cannot be located after reasonable efforts of the Administrator, the notice or order shall be deemed delivered after posting on the premises for a period of ten (10) business days. (SCC 1295 § 14, 2005; SCC 1280 § 2 (part), 2004)

15.12.540 Administrative Appeals.

a. Administrative hearings and appeals under this Chapter shall be to a Hearing Officer appointed pursuant to Government Code section 27720 et seq. Each Hearing Officer shall also meet the requirements of Government Code section 11425.30 and any other applicable restriction.

b. Any person served with a notice or order pursuant to this Chapter shall be provided an opportunity for a hearing prior to enforcement of an administrative civil penalty; or to appeal required corrective actions or the Administrator's findings of a violation of this Chapter.

1. Appeal Hearing. If a notice of violation or a cease and desist order is issued, but not concurrently with a notice of administrative civil penalty, the person who receives it shall be afforded an opportunity for a hearing to appeal the Administrator's findings or required corrective actions in the manner described in the following subsections:

A. To appeal the Administrator's findings, required corrective actions, or any provision of a notice or order, the person shall file a written request for hearing. The filing period for a request for hearing shall be set in written policy by the Department issuing the notice or order adopted pursuant to 15.12.330, but shall in no case be less than fifteen (15) calendar days. Any notice or order shall notify the recipient of the specific date by which the notice must be filed. The request for hearing shall be filed with the party issuing the notice or order at the address so designated on the notice and must be accompanied by payment of the Hearing Officer fee, established and amended from time to time by the Administrator based upon actual expense. If the person filing a request for hearing prevails on appeal, then the Hearing Officer fee will be refunded by the Administrator. A request for hearing shall be deemed filed within the filing period if it is postmarked within that period. If a request for hearing is not filed within the proscribed filing period, the notice, order or other action or determination by the Administrator shall become final.

B. Except as provided in subsection (b)(1)(C) of this section, within ninety (90) calendar days of receipt of the request for hearing by the Administrator, the hearing shall be scheduled by the Administrator with a Hearing Officer designated by the Administrator, who shall conduct the hearing in accordance with Chapter 4.5 (commencing with Section 11400) of Part 1 of Division 3 of Title 2 of the Government Code, and the Administrator shall have all the authority granted to an agency by those provisions. Except as provided in subsection (b)(1)(C) of this section, the Hearing Officer shall issue a decision within sixty (60) calendar days after the completion of any hearing conducted pursuant to this section.

C. When a cease and desist order is issued pursuant to this Chapter, the hearing shall be scheduled by the Administrator with a Hearing Officer within fifteen (15) calendar days of receipt by the Administrator of the request for hearing. The Hearing Officer shall issue a decision within fifteen (15) calendar days after the completion of any hearing conducted pursuant to this subsection.

2. Administrative Civil Penalty Hearing. If the Administrator issues a notice of administrative civil penalty, prior to enforcement of any penalty, the person receiving the notice shall be afforded an opportunity for a hearing. The notice shall establish a time, date and place for the hearing before a

Hearing Officer, as follows.

A. The date for the hearing which shall be no less than thirty (30) calendar days and no more than ninety (90) days from the date of the notice, except that if the notice is issued concurrently with a cease and desist order, the hearing date shall be no more than forty-five (45) days from the date of the notice.

B. Alternative dates for the hearing may be established by mutual consent of the person and the Administrator, or as ordered by the Hearing Officer.

3. Combined Hearing. An appeal hearing may be consolidated with a hearing for an administrative civil penalty, as follows:

A. If a notice of administrative civil penalty is issued concurrently with a notice of violation or cease and desist order for the same violation or a related set of violations, and if the person files a request for hearing, according to the procedures established in subsection (b)(1)(A) of this Section, the appeal hearing shall be conducted in conjunction with the administrative civil penalty hearing.

B. If a notice of administrative civil penalty is not issued concurrently with a notice of violation or cease and desist order, but is issued within a reasonably close period of time for the same violation or a related set of violations, and if the person receiving the notice or order files a request for hearing according to the procedures established in subsection (b)(1)(A) of this Section, the appeal hearing may be conducted in conjunction with the administrative civil penalty hearing, at the discretion of the Hearing Officer.

4. Recovery of Hearing Costs. The Administrator may recover the costs incurred by the County for hearings as follows:

A. Cost for Appeal Hearing. For appeal hearings, the provisions of Section 15.12.450 notwithstanding, the Administrator shall set a standard fee to be paid by the person at the time that the request for hearing is filed. The purpose of the fee is to recover the County's costs, or portion thereof, for the Hearing Officer. If the person filing a request for hearing prevails on appeal, then the hearing officer fee will be refunded by the Administrator. In addition, by order of the hearing officer, the County may be awarded its costs, including hearing officer fees above and beyond the standard fee, staff time, and attorneys' fees, in defending against an unsuccessful appeal brought without substantial merit, which costs may be charged jointly and severally against the appellants and recovered as costs of enforcement as provided herein. Such an award must be based upon a finding supported by a preponderance of the evidence that the appeal was without substantial merit or was taken for the sole purpose of delay.

B. Costs for Administrative Civil Penalty Hearing. If the County prevails in seeking an administrative civil penalty, by order of the hearing officer, the County may be awarded costs incurred while seeking the penalty, including hearing officer fees, staff time, and attorneys' fees.

5. If the Administrator finds that a violation(s) may pose an imminent and substantial endangerment to the public health or safety or the environment, any required corrective action established by a notice or order issued under this Chapter that are intended to correct such violations, shall take effect upon issuance, regardless of the filing of a request for hearing.

c. Administrative hearings for matters concerning this Chapter shall be conducted according to Sections 15.12.540 through 15.12.548 hereof. (SCC 1295 § 15, 2005: SCC 1280 § 2 (part), 2004)

15.12.543 Conduct of Administrative Hearings—Generally.

a. General. At the time set for hearing, the Hearing Officer shall state what the prima facie case is, what the burden of proof is, and what the range of penalties is. The Hearing Examiner shall proceed to hear

the testimony of the Administrator, the person, and other competent persons respecting the circumstances of the violation, and other relevant facts concerning the matter. The Hearing Officer shall follow the rules of procedure for conducting hearings established by this Code.

b. Record of Oral Evidence at Hearing. A record of the entire hearing proceedings shall be made by either a certified court reporter or any other means of permanent recording determined to be appropriate by the Hearing Officer. A transcript of the proceedings shall be made available to all parties upon request and upon payment of the fee prescribed therefore. Such fees may be established and revised from time-to-time by the Administrator.

c. Continuances. The Hearing Officer may, upon request of the person, a party in interest, or the Administrator, grant continuances from time to time for good cause shown, or upon his/her own motion. Any continuance granted shall in no way diminish the responsibility of the person and/or parties in interest for maintaining the premises, nor affect other requirements of this Chapter regarding time for challenging any decisions made or actions taken.

d. Oaths—Certification. The Hearing Officer or certified shorthand reporter shall administer the oath or affirmation.

e. Evidence Rules. Government Code of the State of California, Section 11513, as presently written, or hereinafter amended, shall apply to hearings conducted under this Chapter.

f. Rights of Parties. Each party may represent themselves, or be represented by anyone of their choice. Each party may appear at the hearing and offer evidence in this matter and cross examine witnesses.

g. Official Notice. In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this state.

f. Inspection of Premises. The Hearing Officer may inspect the premises involved in the hearing prior to, during or after the hearing, provided that:

1. Notice of such inspection shall be given to the parties before the inspection is made;
2. The parties are given an opportunity to be present during the inspection;
3. The Hearing Officer shall state for the record during the hearing, or file a written statement after the hearing for inclusion in the hearing record, upon completion of the inspection, the material facts observed and the conclusion drawn therefrom; and
4. Each party then shall have a right to rebut or explain the matters so stated by the Hearing Officer either for the record during the hearing or by filing a written statement after the hearing for inclusion in the hearing record.

g. Burden of Proof. The burden of proof in hearings held pursuant to this Chapter shall be as follows:

1. In the case of any notice or order, the Administrator shall bear the burden of proof, by a preponderance of evidence, to show that a violation of this Chapter has occurred.
2. In the case of a notice of administrative civil penalty, the Administrator shall bear the burden of proof, by a preponderance of evidence, to show that a penalty should be assessed.
3. In the case of an appeal regarding the occurrence of a violation, or of required corrective actions, the appellant shall bear the burden of proof, by clear and convincing evidence, to show cause for amending or rejecting all or part of the corrective actions or requirements imposed by the Administrator by a notice or order. (SCC 1295 § 16, 2005)

15.12.545 Form and Contents of Decision—Finality of Decision.

- a. Following the hearing, the hearing officer shall issue an order in writing no later than thirty (30) days from the date of the hearing, unless the time is waived by the parties. The order shall contain findings of fact and rationale appropriate to the violation and result, and a resolution of the essential issues raised, including the following:
 1. Confirmation or denial of the occurrence of violations of this Chapter that are alleged by the Administrator;
 2. Confirmation or rejection of any administrative civil penalty sought by the Administrator, and establishment of the monetary amount of any administrative civil penalty to be enforced.
 3. Confirmation, amendment, or rejection of required corrective actions related to compliance with this Chapter that are imposed by the Administrator, but only if those requirements are appealed by the person.
- b. The Hearing Officer's order concerning any administrative civil penalty shall be guided by factors including, but not limited to the following: the danger or harm to public health and safety or the environment created by the violation; actions by the person to prevent, correct, or conceal the violation; negligence; intent; recidivism; and any economic benefit associated with non-compliance.
- c. The Hearing Officer's order shall uphold required corrective actions if the person fails to show clear and convincing evidence that the required corrective actions are unreasonable or unnecessary for achieving or demonstrating ongoing compliance with this Chapter. The Hearing Officer's order may amend, or reject required corrective actions, provided that compliance with this Chapter will be achieved. The Hearing Officer's order shall not address required corrective actions unless the person files a request for hearing according to the procedures established in Section 15.12.540(b)(1)(A) of this Chapter.
- d. The Hearing Officer's order shall inform the person of the following:
 1. If the violation is not corrected, or if any required corrective actions are not met within the time(s) required, that the violation may be abated by the County, without further notice or consent of the person or any party in interest, in such manner as may be ordered by the Hearing Officer, and the expense thereof, including all costs of enforcement, incurred by the County as a result of the person's failure to comply, shall be recoverable by the County, and may be made a lien on the subject premises pursuant to the provisions of Government Code Section 25845. Additionally, upon entry of a second or subsequent order within a two-year period finding that the person is responsible for a condition that may be abated in accordance with this Chapter and Government Code Section 25845, or any successor provision thereto, except for conditions abated pursuant to Section 17980 of the Health and Safety Code, the Hearing Officer may order the person to pay treble the costs of abatement pursuant to Government Code Section 25845.5, or any successor provision thereto.
 2. The time and manner by which a person may file a challenge to the Hearing Officer's order is governed by Government Code Section 53069.4, or any successor provision thereto.
 3. Failure to comply with the Hearing Officer's order shall constitute a misdemeanor and is subject to additional enforcement action, including criminal penalties and additional civil and administrative penalties.
- e. The order issued by the Hearing Officer pursuant to this Section shall be effective upon issuance. A copy of the order shall be delivered by the Hearing Officer in accordance with Section 15.12.530.
- f. Preparation of a record of the administrative proceeding shall be governed by the provisions of Sacramento County Code, Chapter 1.06, as presently written or hereinafter amended.
- g. The provisions of Sacramento County Code, Chapter 1.06 notwithstanding, any challenge to the order

of the Hearing Officer concerning any appeal or administrative civil penalty shall be governed by Government Code Section 53069.4, or any successor provision thereto. Service of the notice of appeal authorized by Government Code Section 53069.4 on the County shall be served upon the Clerk of the Board.

h. After any notice or order made pursuant to this Chapter shall have become final, no person to whom any such order is directed shall fail, neglect or refuse to obey such order. The Administrator may pursue, through County Counsel or the District Attorney, appropriate judicial action against any person who fails to comply with any such notice or order, including charging that person with a misdemeanor offense. (SCC 1295 § 17, 2005)

15.12.548 Procedures for Collection of Administrative Civil Penalty.

a. The administrative penalty shall be due and payable within thirty (30) days after the Hearing Officer's decision is issued. If the penalty is not timely paid, the County may pursue all reasonable and legal means in collecting those sums authorized and due.

b. All administrative civil penalties collected from actions brought pursuant to this Chapter shall be paid to the County department(s) enforcing this Chapter, and shall be deposited into a special account that shall be expended to fund the activities of the department to implement the applicable provisions of this Chapter. (SCC 1295 § 18, 2005)

15.12.549 Actions Not Prohibited.

This Chapter does not do any of the following:

a. Otherwise affect the authority of the Administrator to take any other action authorized by any other provision of law.

b. Restrict the power of a city attorney, district attorney, or the Attorney General to bring, in the name of the people of California, any criminal proceeding otherwise authorized by law.

c. Prevent the Administrator from cooperating with, or participating in, proceeding specified in subsection 15.12.549(b). (SCC 1295 § 19, 2005)

15.12.550 Nuisance and Abatement.

a. Any condition in violation of the provisions of this Chapter, including, but not limited to, the maintenance or use of any illicit connection or the occurrence of any prohibited discharge, is declared and deemed to be a public nuisance.

b. At the request of the Administrator, the County may seek a court order to enjoin or abate the nuisance, or both. Prior to seeking any court order to enjoin or abate a nuisance or threatened nuisance, the Administrator shall issue a cease and desist order to the owner and occupant, if any, of the Premises where the nuisance or threatened nuisance is occurring.

c. At the request of the Administrator, the County may seek an abatement warrant or other appropriate judicial authorization to enter the Premises where any nuisance or threatened nuisance is occurring and to abate the condition and restore the area.

d. In the event the nuisance constitutes an imminent danger to public safety or the environment, the Administrator may enter the premises from which the nuisance emanates, abate the nuisance and restore any property affected by the nuisance without prior notice to or consent from the owner or occupant thereof and without judicial warrant.

1. An imminent danger shall include, but is not limited to, exigent circumstances created by the dispersal of pollutants, where such pollutants present a significant and immediate threat to the public health and safety or the environment.

2. Notwithstanding the authority of the County to conduct an emergency abatement action, an administrative hearing pursuant to Section 15.12.540 shall follow the emergency abatement action. (SCC 1280 § 2 (part), 2004)

15.12.555 Enforcement Policy.

In the interest of achieving consistent enforcement of this Chapter, and in recognition of the need to have enforcement policy adapted to the structure and practices of various implementing agencies, each implementing agency that is delegated enforcement responsibility pursuant to this Chapter by the Administrator or the Board shall submit, to the Director of Water Resources, a draft written enforcement policy. Each such enforcement policy need only address those enforcement duties assigned to the implementing agency. Each policy shall address, if included in the delegated duties, guidelines for: the issuance of notices of violation, issuance of cease and desist orders, County stormwater permit administration, abatement, compliance deadlines, filing periods for administrative appeals, and imposition of administrative civil penalties. Enforcement policies shall take into consideration such factors as the nature, circumstances, extent, and gravity of the violation, and the violator's past and present efforts to comply. Upon approval by the Director of Water Resources, the enforcement policy shall be deemed adopted by the implementing agency who shall use such policy to achieve consistent enforcement standards by said implementing agency. Any amendments to an enforcement policy must be submitted to the Director of Water Resources for approval. (SCC 1295 § 20, 2005: SCC 1280 § 2 (part), 2004)

15.12.560 Administrative Civil Penalties.

a. In addition to any other remedies provided by this Chapter, the person may be subject to an administrative civil penalty of up to five thousand dollars (\$5,000.00) per day for each violation of this Chapter. In seeking imposition of an administrative civil penalty, the Administrator shall commence the procedure by issuing a notice of administrative civil penalty, which shall be served and proof of service shall be made in the same manner as provided in Section 15.12.530 of this Chapter.

b. The notice of administrative civil penalty shall state that the recipient has a right to a hearing as set forth in Section 15.12.540 of this Chapter.

c. Procedures concerning notice, conduct of the hearing, and service shall be as provided in Section 15.12.540 of this Chapter.

d. Subsections 15.12.560(a), (b), and (c) notwithstanding, the Administrator may establish a schedule of fines which, if adopted by the Board, and as it may be amended from time to time by the Board, shall become appended to this Chapter. The schedule of fines shall define specific violations for which an

administrative civil penalty shall apply, and shall assign a specific monetary penalty to be assessed for each violation included in the schedule of fines. When the Administrator has found that such violation has occurred and has issued an appropriate notice or order pursuant to this Chapter, the administrative civil penalty shall be enforceable without further action being required. Any person receiving such a schedule of fines penalty shall be entitled to appeal the Administrator's findings giving rise to such penalty pursuant to the procedure established in Section 15.12.540 of this Chapter. (SCC 1295 § 21, 2005; SCC 1280 § 2 (part), 2004)

15.12.570 Criminal Penalties.

- a. Any person who violates any provision of this Chapter, undertakes to conceal any violation of this Chapter, continues any violation of this Chapter after notice thereof, fails to or fails to comply with a specified compliance requirement or a provision of a County stormwater permit, shall be guilty of a misdemeanor and upon conviction thereof be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than six months in the County Jail, or both.
- b. Each day in which a violation occurs and each separate failure to comply with either a separate provision of this Chapter, a notice of violation, a cease and desist order, or failure to comply with specified compliance requirements or a provision of a County stormwater permit, shall constitute a separate violation of this Chapter punishable by fines or sentences in accordance herewith.
- c. The Administrator may authorize specifically designated County employees to issue citations for misdemeanor violations of this Chapter pursuant to Penal Code Section 836.5. (SCC 1295 § 22, 2005; SCC 1280 § 2 (part), 2004)

15.12.580 Miscellaneous Enforcement Provisions.

- a. Each and every remedy available for the enforcement of this Chapter shall be non-exclusive and it is within the discretion of the Administrator to seek cumulative remedies.
- b. The Administrator may request the County to file a civil action in a court of competent jurisdiction seeking an injunction against any threatened or continuing non-compliance with the provisions of this Chapter. Any temporary, preliminary or permanent injunction issued pursuant to this subsection may include an order for reimbursement to the County of all costs incurred in enforcing this Chapter, including, but not limited to, costs of inspection, investigation and monitoring, the costs of abatement undertaken at the expense of the County, costs relating to the restoration of the environment and any other costs or expenses authorized by law.
- c. The Administrator may request the County to file an action for civil damages in a court of competent jurisdiction seeking recovery of any of the following:
 1. All costs incurred in the enforcement of this Chapter, including, but not limited to, costs relating to investigation, sampling, monitoring, inspection, administrative expenses, all other expenses authorized by law and consequential damages.
 2. All costs incurred in mitigating harm to the environment or reducing the threat to human health.
 3. Damages for irreparable harm to the environment.
- d. The County is authorized to file actions for civil damages resulting from any trespass or nuisance occurring on public property or to the County storm drain system from any violation of this Chapter

where such violation has caused damage, contamination or harm to the environment, public property or the County storm drain system.

e. The remedies available to the County pursuant to the provisions of this Chapter shall not limit the right of the County or any law enforcement agency to seek any other legal or equitable remedy that may be available to it.

f. Each day in which a violation occurs and each separate failure to comply with specified compliance requirements or provision of a County stormwater permit, a separate provision of this Chapter, an Administrative enforcement order, or a cease and desist order shall constitute a separate violation of this Chapter punishable by civil, criminal and administrative penalties in accordance with this Chapter. (SCC 1295 § 23, 2005: SCC 1280 § 2 (part), 2004)

Article 6 Recovery of Cost Abatement

15.12.600 Costs of Abatement—Confirmation.

a. When proceedings under this Chapter result in the correction of a violation of this Chapter or in a final determination that a violation exists subsequent to the date specified in any notice issued pursuant to the provisions of this Chapter, the costs of such proceedings incurred by the County may be assessed against the property. Such costs may include, but are not limited to, those incurred in inspecting property, publication, mailing and posting of notices, conducting hearings, processing appeals and pursuing any judicial action. It is the purpose of this section to allow the assessment against property of costs of proceedings if a violation is corrected in any manner.

b. The Administrator shall keep an account of the administrative and other costs of abatement, and shall submit to the Board for confirmation an itemized written report showing such costs and their proposed assessment to the respective properties. The report shall be filed with the Clerk of the Board not later than fifteen (15) calendar days in advance of the confirmation hearing required below.

c. Upon receipt of the report, the Clerk of the Board shall schedule a public hearing to receive protests and confirm the report. A statement of the proposed assessment and notice of the time, date and place of the hearing, together with reference to the report on file with the Clerk, shall be mailed to the owner or owners of each parcel of property proposed to be assessed shown on the last equalized assessment roll available on the date of mailing of the notice or any other address or addresses ascertained to be more accurate. Such notice shall be mailed not later than fifteen (15) calendar days in advance of the hearing. Notice of the time, date and place of the public hearing by the Board shall be published once in a newspaper of general circulation published with the County.

With respect to each property proposed to be assessed for which the name or the owner or owners is not shown on the last equalized assessment roll or no address for an owner is shown on the last equalized assessment roll, the notice shall show the name or names of the owner or owners, if such name or names are shown on the last equalized assessment roll, the assessor's parcel number, the street address of the property, if the property has an address and the address is known to the Administrator, the name of the street or road upon which such property abuts, if the property abuts upon a street or road, the amount of the proposed assessment and reference to the report on file with the Clerk. Such publication shall be made not later than fifteen (15) calendar days in advance of the hearing.

d. At the time fixed for receiving and considering the report, the Board shall conduct a public hearing

and shall receive and consider any objections from members of the general public or property owners liable to be assessed for the abatement. Written protests or objections shall specify the date, hour and description of the subject property under hearing. The Board may continue the hearing and delegate to the Administrator or his designee the responsibility of hearing individual protests and submitting a recommendation with respect thereto; provided that the Board provides an opportunity for individual consideration of each project upon receipt of the recommendation by the Administrator. The Board may modify the report if it is deemed necessary. The Board shall then confirm the report by motion or resolution. (SCC 1280 § 2 (part), 2004)

15.12.610 Costs—Assessments.

- a. If the costs as confirmed are not paid within thirty (30) days of the date of mailing of the notice or date of publication pursuant to Section 15.12.600 of this chapter, such costs shall be assessed against the parcel of land pursuant to Section 25845 of the Government Code, and shall be transmitted to the Tax Collector for collection and shall be subject to the same penalties and the same procedures and sale in case of delinquency as provided for ad valorem taxes.
- b. If subsequent to the mailing of the notice of violation and prior to transmittal of the notice of unpaid costs to the Tax Collector for collection as set forth in subsection (a) of this section, the property subject to the notice of violation is sold, or title otherwise transferred to a bona fide purchaser, said costs shall be the responsibility of the owner of record as of the date said notice of violation was placed in the United States postal system or posted on the property.
- c. In addition to assessing the unpaid costs as provided in subsection (a) of this section, the Tax Collector or his designated representative may pursue any remedy provided by law for collection of the unpaid costs. (SCC 1280 § 2 (part), 2004)

15.12.620 Treble Costs.

Pursuant to Government Code Section 25845.5, upon entry of a second or subsequent civil or criminal judgment within a two year period finding that an owner is responsible for a condition in violation of this Chapter that may be abated pursuant to Government Code Section 25845, a court may order the owner to pay treble the costs of abatement. (SCC 1280 § 2 (part), 2004)

15.12.630 Hearing of Protests.

Upon the day and hour fixed for the hearing, the Board shall hear and pass upon the report of the Administrator together with any such protests or objections. The Board may make such revision, correction or modification of the report or the charge as it may deem just; and in the event the Board is satisfied with correctness of the charge, the report of the Administrator (as submitted or as revised, corrected or modified) together with the charge, shall be confirmed or rejected. The decision of the Board on the report and the charge and on all objections or protests shall be final and conclusive. (SCC 1280 § 2 (part), 2004)

15.12.640 Assessment for Summary Abatement.

Where the charge to be made is the result of summary abatement pursuant to Section 15.12.550(d), the Board may determine whether or not the action to abate was proper, and may confirm the charge or not as it may deem proper. (SCC 1295 § 24, 2005; SCC 1280 § 2 (part), 2004)

15.12.650 Time for Contest of Assessment.

The validity of any assessment made under the provisions of this Chapter shall not be contested in any action or proceeding unless the same is commenced within thirty (30) days after the assessment is ordered to be placed upon the assessment roll as provided herein. (SCC 1280 § 2 (part), 2004)

15.12.660 Filing Copy of Report With County Auditor.

A certified copy of the assessment shall be filed with the County Auditor on or before August 1. The descriptions of the parcels reported shall be those used for the same parcels on the map books of the County Assessor for the current year. (SCC 1280 § 2 (part), 2004)

Exhibit “B”

Chapter 16.44 LAND GRADING AND EROSION CONTROL

[16.44.010 Purpose.](#)

[16.44.020 Definitions.](#)

[16.44.030 Delegation.](#)

[16.44.040 Administration.](#)

[16.44.050 Permits Required.](#)

[16.44.060 Permits Not Required.](#)

[16.44.065 Exemptions.](#)

[16.44.070 Improvement Plans.](#)

[16.44.080 Application Contents.](#)

[16.44.090 Plans.](#)

[16.44.100 Specifications.](#)

[16.44.110 Security.](#)

[16.44.120 Right of Entry.](#)

[16.44.130 Permit Fees.](#)

[16.44.140 Environmental Review.](#)

[16.44.150 Application Review.](#)

[16.44.160 Contents of Permit.](#)

[16.44.170 Conditions.](#)

[16.44.180 Procedure for Imposition.](#)

[16.44.190 Term.](#)

[16.44.200 Transferability.](#)

[16.44.210 Denial of Permit.](#)

[16.44.220 Amendment of Permit.](#)

[16.44.230 Request for Inspection.](#)

[16.44.240 Reports.](#)

[16.44.250 Cessation of Work.](#)

[16.44.260 Completion of Work.](#)

[16.44.270 Inspection.](#)

[16.44.280 Grounds for Suspension and Revocation.](#)

[16.44.290 Method of Suspension or Revocation.](#)

[16.44.300 Appeals.](#)

[16.44.310 Appeal Fee.](#)

[16.44.320 Appeal Hearings.](#)

[16.44.330 Actions on Appeals.](#)

[16.44.340 Notices.](#)

[16.44.350 Action Against and Release of Security.](#)

[16.44.360 Violations.](#)

16.44.370 Laws Not Enforced.

16.44.010 Purpose.

It is the intent of the Board of Supervisors in enacting this chapter to minimize damage to surrounding properties and public rights-of-way, the degradation of the water quality of watercourses, and the disruption of natural or County authorized drainage flows caused by the activities of clearing and grubbing, grading, filling and excavating of land, and sediment and pollutant runoff from other construction related activities, and to comply with the provisions of the County's National Pollutant Discharge Elimination System (NPDES) Permit Number, CA0082597, issued by the California Regional Water Quality Control Board (Regional Board)

These goals will be achieved by establishing administrative procedures, minimum standards of review, and implementation and enforcement procedures for controlling erosion, sedimentation and other pollutant runoff, including construction debris and hazardous substances used on construction sites, and the disruption of existing drainage and related environmental damage caused by the aforementioned activities. (SCC 1002 § 3, 1995; SCC 0928 § 2, 1993.)

16.44.020 Definitions.

As used in this chapter, the following words and phrases shall have the meanings given in this section:

1. "Administrator" means the Administrator of the Public Works Agency of Sacramento County or his or her designated representative(s).
2. "Applicant" means any person who submits an application for a permit pursuant to this chapter.
3. "Civil engineer" means a professional engineer in the branch of civil engineering holding a valid certificate of registration issued by the State of California.
4. "Clearing and grubbing" means moving or removing by manual or mechanical means trees, vegetation and/or the top four inches or greater of soil.
5. "Compaction" means the act of compacting or consolidating soil and rock material to a specified density, and the resulting compacted state of the material.
6. "Construction site" means any land area on which the activity of clearing and grubbing, grading, excavating, or filling is occurring.
7. "County" is the County of Sacramento.
8. "County Specifications" means the County Improvement Standards, County Standard Construction Specifications and other standards included in applicable County ordinances, regulations and manuals, as amended from time to time.
9. "Engineering geology" means the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.
10. "Environmental Coordinator" is the County official designated by the County Executive to prepare and process environmental documents.
11. "Erosion" means the transport of the ground surface or soil as a result of the movement of wind or water.
12. "Erosion control measures" means seeding, mulching, vegetative buffer strips, sod, plastic covering,

burlap covering, watering and other measures which control the movement of the ground surface or soil.

13. “Grade” is the elevation of the ground surface as measured from a known vertical control.

14. “Grading” includes the act or result of digging, excavating, transporting, spreading, depositing, filling, compacting, settling, or shaping of land surfaces and slopes, and other operations performed by or controlled by human activity involving the physical movement of rock or soil.

15. “Hazardous Substances” means those materials listed in Title 40 of the Code of Federal Regulations (40 CFR) Part 117 and/or 40 CFR Part 302.

16. “National Pollutant Discharge Elimination System (NPDES)” means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 402, 318, and 405 of the Clean Water Act.

17. “Permittee” means the applicant in whose name a valid permit is issued pursuant to this chapter and the applicant’s agents, employees and designated representative(s).

18. “Person” means any individual, corporation, partnership, association of any type, public agency or any other legal entity.

19. “Pollutants” is as defined in Title 40 CFR Part 122.

20. “Runoff” is surface runoff and drainage related to storm events, snow melt, street washwaters related to street cleaning or maintenance and other waters associated with the construction activity which are or may be introduced into the municipal separate storm sewer system.

21. “Sediment” means soil or earth material deposited by water.

22. “Sediment control measures” means dikes, sediment detention traps, sediment detention basins, filters, fences, barriers, swales, berms, drains, check dams, and other measures which control the deposit of soil or earth material.

23. “Site” means a parcel or parcels of real property owned by one or more than one person on which activity regulated by this chapter is occurring or is proposed to occur.

24. “Slope” is an inclined ground surface the inclination of which is expressed as a percent.

25. “Structure” means anything constructed or erected which requires location on the ground or attached to something having location on the ground.

26. “Watercourse” means a river, stream, creek, basin, lake, pond, waterway, or channel, natural or man-made, having a defined bed and banks. Whenever a watercourse consists of an ordinary channel, and in addition thereto, an overflow channel, the watercourse shall be deemed to include all property lying between the banks of the overflow channel.

27. “Wetlands” means those areas that are inundated or saturated by surface or ground water at a frequency sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, such as swamps, bogs and marshes. (SCC 1002 § 3, 1995; SCC 0928 § 2, 1993.)

16.44.030 Delegation.

Whenever in this chapter an authority or power is vested in or a duty is imposed upon an officer or official, an employee subordinate to the officer or official to whom an appropriate delegation has been made shall be entitled to exercise the power or authority and perform the duty. (SCC 1002 § 3, 1995; SCC 0928 § 2, 1993.)

16.44.040 Administration.

Except as otherwise provided, the Administrator is responsible for administering this chapter and Grading and Erosion Control Permits, and is authorized from time to time to promulgate and enforce rules or regulations consistent with and necessary to implement the purposes, intent and express terms of this chapter.

Any rules or regulations promulgated by the Administrator, or amendments thereof, shall be filed with the Clerk of the Board of Supervisors. The Clerk shall cause said rules or regulations to be published in a newspaper of general circulation within ten (10) calendar days. No rules or regulations promulgated by the Administrator, or amendments thereof, shall be enforced or become effective until thirty (30) calendar days following the date on which the rules or regulations are published. Any person shall have fifteen (15) days after the date of publication in which to file an appeal in accordance with the provisions of Section 16.44.300. (SCC 1002 § 3, 1995; SCC 0928 § 2, 1993.)

16.44.050 Permits Required.

Except as provided by Sections 16.44.060, 16.44.065 or 16.44.070, a Grading and Erosion Control Permit shall be required to (1) grade, fill, excavate, store or dispose of 350 cubic yards or more of soil or earthly material or (2) clear and grub 1 acre or greater of land within the unincorporated area of the County. A separate permit is required for work on each site unless sites are contiguous, have the same ownership, and are included in the approved plan. Any determination by the Administrator as to whether a permit is required may be appealed pursuant to the provisions of Section 16.44.300. (SCC 1002 § 3, 1995; SCC 0928 § 2, 1993.)

16.44.060 Permits Not Required.

A. A Grading and Erosion Control Permit shall not be required to (1) grade, fill, excavate, store or dispose of less than three hundred fifty (350) cubic yards of soil or earthly material or (2) clear and grub less than 1 acre of land within the unincorporated area of the County or (3) for the grading, filling, excavating, storing, disposing, or clearing and grubbing for:

- a. Swimming pools, basements, or footings of structures if authorized by a valid building permit;
- b. Underground utilities;
- c. Mining or quarry operations, if a use permit has been granted by the County;
- d. Refuse disposal sites operated by a governmental agency;
- e. The production of planted agricultural crops.

B. Notwithstanding the provisions of subsection (A) hereof exempting specified activities from the otherwise applicable permit requirements, the activities described in subsection (A) shall be subject to the standards and requirements of this chapter. Any building permit issued in connection with the activities described in subsection (A) or in connection with any building permit issued for a single family residence on an individual lot may be conditioned on compliance with the standards and requirements of this chapter. Any inspections required pursuant to this chapter or any other Chapter of Title 16 of the Sacramento County Code shall include a determination of compliance with the purpose of

this chapter. (SCC 1002 § 3, 1995; SCC 0928 § 2, 1993.)

16.44.065 Exemptions.

A Grading and Erosion Control Permit shall not be required for, and the provisions of this chapter shall not apply to, grading, filling, excavating, storing, disposing, or clearing and grubbing for situations where, in the determination of the Administrator, there is a clear and imminent danger to life or property, or threat of loss of services for which there is an overriding public concern. The Administrator may, at the time of granting such exemption, impose conditions in accordance with Section 16.44.170, including but not limited to, the requirement for the posting of security. Such exemption must be requested from the Administrator and approved in writing prior to the commencement of any activity regulated by this chapter. (SCC 1002 § 3, 1995.)

16.44.070 Improvement Plans.

Where an improvement plan is being processed in conjunction with either an approved tentative, parcel, or final map; or a development plan is being processed in accordance with the provisions of Title 12 of this Code, such plan shall also be considered as a request to undertake those activities regulated by this chapter. Such plans shall be reviewed and approved, conditionally approved or denied in accordance with the standards and requirements set forth in this chapter and other applicable county specifications. For an approved tentative, parcel, or final map, or development plan; any submitted improvement plans shall include provisions to require compliance with the standards and requirements of this chapter. If an improvement plan is approved, then a Grading and Erosion Control Permit shall not be required. (SCC 1002 § 3, 1995; SCC 0928 § 2, 1993.)

16.44.080 Application Contents.

The application for a Grading and Erosion Control Permit shall be filed in the Office of the Administrator, and on a form and submitted with such information as is prescribed by the Administrator, including the following:

- A. The name, address and telephone number of the applicant and the applicant's engineer;
- B. The address and parcel number of the location for which the permit is sought;
- C. A copy of all entitlements granted for the property by the County, including conditions of approval and the environmental documentation;
- D. A copy of all required state and federal permits;
- E. Plans conforming with the requirements of Section 16.44.090;
- F. Specifications conforming with the requirements of Section 16.44.100, if the Administrator expressly requires this information;
- G. Security conforming with the requirements of Section 16.44.110;
- H. Right of Entry conforming with the requirements of Section 16.44.120;
- I. Fees conforming with the requirements of Section 16.44.130;
- J. Other information as may be required by the Administrator. (SCC 1002 § 3, 1995; SCC 0928 § 2,

1993.)

16.44.090 Plans.

Plans shall be prepared by a civil engineer in conformance with County Specifications and shall include the following:

- A. A vicinity map indicating the site location and significant geographic features;
- B. A site delineation map indicating boundary lines of the property and each lot or parcel into which the site is proposed to be divided;
- C. The location of on-site and surrounding watercourses and wetlands, existing and proposed drainage systems, and drainage area boundaries and acreages. Additional hydrologic analysis shall be provided as required by the Administrator;
- D. The location of existing and proposed roads and structures on the site, and on adjacent property;
- E. Accurate contours at two foot intervals for slopes up to ten percent and five foot intervals for slopes over ten percent showing topography of existing ground and locations of existing vegetation, including all oak trees, all other trees over six inches in diameter measured at four and one-half feet above the ground, groves of trees, and natural features such as rock outcroppings. Spot elevations will be required where relatively flat conditions exist. The spot elevations or contour lines shall be extended off-site for a minimum distance of fifty (50) feet, or one hundred (100) feet in flat terrain;
- F. Elevations, location, extent and slope of all proposed grading shown by contours, cross-sections or other means, and location of any disposal areas, fills or other special features to be included in the work;
- G. A statement of the quantity of material to be excavated, the quantity of material to be filled, whether such excavation or fill is permanent or temporary, and the amount of such material to be imported to or exported from the site;
- H. A delineation of the area to be cleared and grubbed;
- I. A statement of the estimated starting date, grading completion date, and when site improvements will be completed;
- J. The location, implementation schedule, and maintenance schedule of all erosion control measures and sediment control measures to be implemented or constructed prior to, during or after the proposed activity;
- K. A description of measures designed to control dust and stabilize the construction site road and entrance;
- L. A description of the location and methods of storage and disposal of construction materials;
- M. Any additional plans required by the Administrator. (SCC 1002 § 3, 1995; SCC 0928 § 2, 1993.)

16.44.100 Specifications.

When required by the Administrator, the following information shall be prepared and signed by a civil engineer, and submitted with the application for a Grading and Erosion Control Permit:

- A. Preparation of natural ground to occur prior to placement of fill, including provisions for removal of organic or deleterious materials;
- B. Quality control of native or imported fill material;
- C. Degree of compaction;

D. Gradient of cut and fill slopes;

E. Geotechnical engineering or engineering geology reports used in the development of the above information. (SCC 1002 § 3, 1995; SCC 0928 § 2, 1993.)

16.44.110 Security.

A. Prior to issuance of the permit, the applicant shall provide security in an amount estimated by the Administrator to be the cost for stabilizing the activity site if the site is abandoned or work is stopped during the performance of the activity described in the permit. The security shall be one of the following, subject to the approval of the Administrator;

1. Bond or bonds by one or more duly authorized corporate sureties.
2. A deposit, either with the County or a responsible escrow agent or trust company, at the option of the County, of money or negotiable bonds of the kind approved for securing deposits of public moneys.
3. An instrument of credit from an agency of the state, federal or local government when an agency of the state, federal, or local government provides at least twenty (20) percent of the financing for the project, or from one or more financial institutions subject to regulation by the state or federal government and pledging that the funds necessary are on deposit and guaranteed for payment, or a letter of credit by such financial institution.

B. The security shall be released to the permittee upon either:

1. Issuance of a certificate of completion, provided no administrative or legal action against such security has been commenced prior to that date and the permittee has complied with the provisions of Section 16.44.260; or
2. Voluntary relinquishment of the permit by the holder thereof to the County, provided no administrative or legal action against such security has been commenced prior to that date and the permittee has complied with the provisions of Section 16.44.250. (SCC 1002 § 3, 1995; SCC 0928 § 2, 1993.)

16.44.120 Right of Entry.

Whenever any portion of the work requires entry onto adjacent property for any reason, the applicant shall obtain the written consent of the adjacent property owner or his authorized representative, and shall file a copy of said consent with the Administrator before a permit for such work may be issued. (SCC 1002 § 3, 1995; SCC 0928 § 2, 1993.)

16.44.130 Permit Fees.

A fee shall be paid by the applicant to the County for plan checking and review, materials testing, site inspections, processing, issuance and other services performed by the Administrator in connection with the investigation of an application for, and administration of, a Grading and Erosion Control Permit. The fees for these services shall be in the amount of the actual costs incurred by the County based on the hourly rate of the personnel performing the services, including all overhead costs, and as determined by the Accounting and Fiscal Services Section of the Public Works Agency.

A minimum deposit of seven hundred and fifty dollars (\$750) shall be paid by the applicant at the time of and with the filing of the application with the Administrator. In the event the accrued costs exceed the initial deposit, the County shall submit a monthly bill to the applicant for the amount owing as of the date on the bill. Interest of one and one-half percent (1-1/2%) per billing period (28 day cycle) compounded each billing period shall be added to the unpaid balance due to any amount which has not been paid in full within twenty-eight (28) days from the date on the bill.

The Administrator shall not perform any services for an applicant if an amount owing is not paid within twenty-eight (28) days, until such time that all amounts owing and interest thereon is paid in full. The balance of fees owing shall be paid in full prior to final inspection. In the event the actual costs do not exceed the minimum deposit amount, the County shall reimburse the applicant the difference between the deposit amount and the actual total charges. (SCC 1002 § 3, 1995; SCC 0928 § 2, 1993.)

16.44.140 Environmental Review.

Grading and erosion control permits, and amendments thereto, are subject to the requirements of the California Environmental Quality Act (CEQA). The applicant shall furnish a copy of the application to the Environmental Coordinator for preparation and processing of the appropriate environmental documents. The Administrator is authorized to hold public hearings on Negative Declarations, Draft Environmental Impact Reports and Final Environmental Impact Reports prepared on applications for Grading and Erosion Control Permits, for the purposes of receiving comments from the public. The Administrator shall not approve a Grading and Erosion Control Permit prior to considering the applicable environmental document and complying with the requirements of CEQA and the County Procedures for Preparation and Processing of Environmental Documents. (SCC 1002 § 3, 1995; SCC 0928 § 2, 1993.)

16.44.150 Application Review.

The Administrator shall review and approve, conditionally approve or deny Grading and Erosion Control Permit applications and improvement plans in accordance with the provisions of this chapter. Grading and Erosion Control Permit applications and improvement plans shall be issued or approved unless the Administrator finds in writing that:

A. The applicant has failed to provide sufficient or adequate plans, information or other data necessary to allow determinations respecting compliance with the provisions of this chapter or County Specifications;

B. The environmental review has not been completed, other provisions of this Code or of state law pertaining to environmental review have not been satisfied, or the activity will have significant adverse environmental impacts which cannot be substantially mitigated. Where the activity will have significant adverse impacts, the Administrator may approve the permit in accordance with the provisions of this chapter, Title 20, and the California Environmental Quality Act of 1970;

C. The proposed activity will violate provisions of this chapter, County Specifications, or state or federal laws, and such violation cannot be resolved by the imposition of conditions pursuant to Section 16.44.170;

D. The proposed activity will adversely affect surrounding properties and public rights-of-way, the water

quality of watercourses, and existing drainage. (SCC 1002 § 3, 1995; SCC 0928 § 2, 1993.)

16.44.160 Contents of Permit.

The Grading and Erosion Control Permit shall include but not be limited to a complete description of the activity for which it is issued, the property for which it is issued, the date of issuance and the date of expiration, and a description of any and all conditions upon which the permit has been issued. The permit shall be kept at the site during the activity for which the permit was issued. A Grading and Erosion Control Permit authorizes the permittee to undertake only that activity described in the permit and only on the property for which the permit is issued. (SCC 1002 § 3, 1995; SCC 0928 § 2, 1993.)

16.44.170 Conditions.

The Administrator may at the time of issuance of the Grading and Erosion Control Permit impose such conditions as are necessary to ensure compliance with this chapter, County Specifications, or state or federal laws. Such conditions shall be reasonably related to the public needs created by the proposed activity. Conditions to mitigate environmental impacts of the activity may also be imposed by the Administrator. (SCC 1002 § 3, 1995; SCC 0928 § 2, 1993.)

16.44.180 Procedure for Imposition.

Any condition imposed pursuant to the provisions of Section 16.44.170 shall be embodied, together with the reasons therefor, in the permit and served upon the applicant or permittee. (SCC 1002 § 3, 1995; SCC 0928 § 2, 1993.)

16.44.190 Term.

A Grading and Erosion Control Permit shall be effective on the date of issuance, and shall remain in force for one year, unless suspended or revoked by the Administrator, or voluntarily relinquished by the permittee. Before the expiration of a permit, a permittee may apply for an extension of time in which to complete the activity. One extension of not more than one year may be granted by the Administrator. (SCC 1002 § 3, 1995; SCC 0928 § 2, 1993.)

16.44.200 Transferability.

A Grading and Erosion Control Permit shall not be transferable or assignable from one person to another, unless approved by the Administrator and the person to whom the permit is to be transferred agrees to comply with the requirements of the original permit and to any conditions imposed therein. (SCC 1002 § 3, 1995; SCC 0928 § 2, 1993.)

16.44.210 Denial of Permit.

The Administrator shall deny an application for a Grading and Erosion Control Permit if any of the findings in Section 16.44.150 are made. Notice shall be served on the applicant, in writing with the reasons stated therefor, pursuant to the provisions of Section 16.44.340. (SCC 1002 § 3, 1995; SCC 0928 § 2, 1993.)

16.44.220 Amendment of Permit.

Any proposed changes in the activity authorized by the permit shall be submitted to the Administrator for review. The permittee shall not undertake or allow activity to occur which does not conform with the plans or conditions of the original permit, unless approved by the Administrator. The Administrator shall review any proposed changes in the same manner and pursuant to the same standards as the original application. (SCC 1002 § 3, 1995; SCC 0928 § 2, 1993.)

16.44.230 Request for Inspection.

Requests for inspection of any site subject to the provisions of this chapter shall be made to the Administrator at the following phases of activity. Such a request shall be made at least two full business days in advance of the desired day of inspection.

A. When the site has been cleared of vegetation and unapproved fill, and scarified, benched, or otherwise prepared and before any fill is placed; and the erosion control and sediment control measures to be implemented in this phase have been placed;

B. When approximate final elevations have been established; drainage terraces, swales and other drainage devices have been graded and are ready for paving; berms have been installed at the top of slopes; and the erosion control and sediment control measures to be implemented in this phase have been placed;

C. When work has been completed; slope planting established and irrigation systems installed, if required; and the erosion control and sediment control measures to be implemented in this phase have been placed.

The Administrator, upon inspection of the site, shall notify the person or permittee (1) that the phase of work inspected is approved, or (2) what deficiencies, corrections or other work needs to be completed before approval of that phase. (SCC 1002 § 3, 1995; SCC 0928 § 2, 1993.)

16.44.240 Reports.

Notification to the Administrator shall be required within twenty-four (24) hours following the failure of authorized measures to prevent erosion or sediment from leaving the construction site; the deposit of debris or material on adjoining property or public rights-of-way, or; the interference with any existing watercourses or drainage facilities. (SCC 1002 § 3, 1995; SCC 0928 § 2, 1993.)

16.44.250 Cessation of Work.

If activity is ceased on site for any reason for a period in excess of fifteen (15) calendar days, and before

the activity being conducted under the permit is completed, all necessary steps shall be taken to prevent damage through erosion or sedimentation to adjoining properties or to the public rights-of-way or to any natural or artificial drainage facilities or watercourses. The premises shall also be graded to blend into the adjacent terrain. The Administrator shall be notified as soon as possible, but no later than fifteen (15) calendar days, after the cessation of work. (SCC 1002 § 3, 1995; SCC 0928 § 2, 1993.)

16.44.260 Completion of Work.

After completion of work in accordance with and conforming with an approved permit and delivery to the County of record plans and a grading plan as finally implemented, and payment of all fees, the Administrator shall issue a certificate of completion. (SCC 1002 § 3, 1995; SCC 0928 § 2, 1993.)

16.44.270 Inspection.

The Administrator may enter and inspect property for which a Grading and Erosion Control Permit has been applied to determine applicability or compliance with this chapter and County Specifications. The Administrator may also inspect any and all property on which grading, filling, clearing and grubbing or excavating activities are occurring. (SCC 1002 § 3, 1995; SCC 0928 § 2, 1993.)

16.44.280 Grounds for Suspension and Revocation.

A Grading and Erosion Control Permit may be suspended if:

- A. The physical state of the property differs from the descriptions, plans or information furnished to the Administrator in the permit application;
- B. The activity does not conform to the approved plans, grades, conditions or terms of the permit;
- C. The activity is in violation of this chapter, County Specifications, or state or federal laws;
- D. Any reports required to be submitted to the Administrator have not been submitted; or
- E. Any of the information contained in reports submitted to the Administrator is in error. (SCC 1002 § 3, 1995; SCC 0928 § 2, 1993.)

16.44.290 Method of Suspension or Revocation.

The Administrator may suspend or revoke a Grading and Erosion Control Permit by issuing a notice of suspension or revocation, stating the reasons therefor, and serving same, upon the permittee. Upon suspension or revocation of a permit, in accordance with the provisions of this Section, the permittee shall immediately cause all grading, filling, excavating, storing, disposing or clearing and grubbing to cease until written authorization is received from the Administrator to proceed with the activity. The permittee shall have fifteen (15) calendar days after the date of service of the suspension or revocation in which to file an appeal in accordance with the provisions of Section 16.44.300. If such an appeal is filed, the suspension or revocation shall remain in force and be effective until a final decision on the appeal is issued by the Board of Supervisors.

If the Administrator suspends a permit, such permit may either be reinstated or revoked by the

Administrator, depending upon whether the permittee corrects the grounds stated for the suspension in the notice issued by the Administrator. If the permittee fails to remedy the grounds for suspension within a time period specified by the Administrator, but in no event later than sixty (60) calendar days, the Administrator shall revoke the permit. (SCC 1002 § 3, 1995; SCC 0928 § 2, 1993.)

16.44.300 Appeals.

If the applicant for a Grading and Erosion Control Permit, the permittee, or other persons whose property rights may be affected is dissatisfied with any determination made by the Administrator, such person may appeal to the Board of Supervisors. Any such appeal shall be in writing, shall state the specific reasons therefor and grounds asserted for relief, and shall be filed with the Clerk of the Board of Supervisors not later than fifteen (15) calendar days after the date of the action being appealed. If an appeal is not filed within the time or in the manner prescribed above, the right to review of the action against which the complaint is made shall be deemed to have been waived. (SCC 1002 § 3, 1995; SCC 0928 § 2, 1993.)

16.44.310 Appeal Fee.

The Board of Supervisors shall by resolution adopt and, from time to time, amend a fee for the filing of appeals. Such fee shall be for the sole purpose of defraying costs incurred for the administration of appeals. The fee for an appeal shall be paid at the time of and with the filing of an appeal. No appeal shall be deemed valid unless the prescribed fee has been paid. (SCC 1002 § 3, 1995; SCC 0928 § 2, 1993.)

16.44.320 Appeal Hearings.

After the filing of an appeal within the time and in the manner prescribed by Section 16.44.300, the Board of Supervisors shall conduct a hearing for the purpose of determining whether the appeal should be granted. Written notice of the time, date and place of the hearing shall be served upon the Administrator and the appellant not later than ten (10) days preceding the date of the hearing. (SCC 1002 § 3, 1995; SCC 0928 § 2, 1993.)

16.44.330 Actions on Appeals.

The Board of Supervisors shall review the entire proceeding or proceedings relating to the act or decision being appealed, de novo, and may make any order it deems just and equitable, including the granting of a Grading and Erosion Control Permit. Any hearing may be continued from time to time. At the conclusion of the hearing, the Board of Supervisors shall prepare a written decision which either grants or denies the appeal, and contains findings of fact and conclusions. The written decision, including a copy thereof, shall be filed with the Clerk of the Board of Supervisors. The Clerk shall serve such decision on the applicant or permittee and the Administrator. The decision of the Board of Supervisors shall become final upon the date of filing and service with respect to any appeal. (SCC 1002

§ 3, 1995; SCC 0928 § 2, 1993.)

16.44.340 Notices.

Any notice authorized or required by this chapter shall be deemed to have been filed, served and effective for all purposes on the date when it is personally delivered in writing to the party to whom it is directed or deposited in the United States mail, first class postage prepaid, and addressed to the party to whom it is directed.

Whenever a provision in this chapter requires a public hearing to be conducted, notice of the time, date, place and purpose of the hearing shall be published at least once not later than ten (10) calendar days in advance of the date of commencement of the hearing in a newspaper of general circulation which is published within the County. The same type of notice shall also be served on each permittee whose permit may be affected by the action taken at the conclusion of the hearing. (SCC 1002 § 3, 1995; SCC 0928 § 2, 1993.)

16.44.350 Action Against and Release of Security.

The Administrator may commence action against the security provided by a permittee if:

- A. The permittee ceases activities on site prior to completion of work without complying with the provisions of Section 16.44.250;
- B. The permittee fails to comply with the terms of the permit;
- C. The activity has caused or is threatening to cause damage or injury to persons, property or the environment.

The monies so obtained shall be used solely to finance remedial work undertaken by the County or a private contractor under contract to the County, and to reimburse the County for any administrative costs and expenses incurred in remedying the situation, including attorneys fees and legal costs incurred in any necessary action to obtain the security. (SCC 1002 § 3, 1995; SCC 0928 § 2, 1993.)

16.44.360 Violations.

Except as otherwise specifically provided, pursuant to the provisions of Government Code Section 25132, violation of any of the provisions contained in this chapter shall constitute an infraction subject to a fine of one hundred (\$100) dollars for each day or any portion thereof a violation continues.

Violation of any of the provisions of this chapter following notice to the permittee by the Administrator advising of the violation and ordering a cessation thereof, shall pursuant to the provisions of Section 1.01.190 contained in Title 1 of this Code, constitute a misdemeanor.

Violation of any of the provisions of this chapter may be remedied by injunction or other civil proceeding commenced in the name of the County pursuant to direction by the Board of Supervisors. (SCC 1002 § 3, 1995; SCC 0928 § 2, 1993.)

16.44.370 Laws Not Enforced.

There are many ordinances and other laws applicable to activities permitted under this chapter which are not sought to be enforced under this permitting process. Such laws include, but are not limited to, building, floodplain management, and land development measures. The issuance of a Grading and Erosion Control Permit shall not be deemed to constitute a representation that the activity so permitted or the property upon which such activity is occurring complies with such other ordinances or other laws. Nor shall the existence of such an unrevoked permit be deemed to preclude any criminal or civil remedy for violation of such other ordinances or laws. The possession of a Grading and Erosion Control Permit shall not be deemed to relieve the holder of the requirement to apply for or obtain any other license or permit required by ordinance or statute. (SCC 1002 § 3, 1995; SCC 0928 § 2, 1993.)

County Executive
Terry Schutten




**County of
Sacramento**

Board of Supervisors
Roger Dickinson, District 1
Jimmie R. Yee, District 2
Susan Peters, District 3
Roberta MacGlashan, District 4
Don Nottoli, District 5

Inter-Departmental Correspondence

Date: June 30, 2008

To: Agency Administrators
Department Heads

From: Terry Schutten 

Subject: *County-wide Integrated Pest Management Policy*

Attached is a copy of the final County-wide Integrated Pest Management Policy (IPM), and the related documents entitled "IPM Coordinator Staffing" and "Department IPM Plans." Consistent with the County initiative to be a leader in sustainability for our community, we are establishing this policy for all County operations, facilities, and properties. In addition, the County is required by a Municipal Stormwater Permit, issued by the State of California, to develop and implement an IPM policy for County operations to minimize pesticide discharges to local water bodies.

This policy was developed using a collaborative and participatory process involving representatives from the implementing departments, as well as the County's Business Environmental Resource Center (BERC), and the County Agricultural Commissioner. The County departments primarily responsible for implementing the IPM Policy, are:

- Airports
- General Services
- Regional Parks and Open Space
- Transportation
- Waste Management and Recycling
- Water Resources

Due to their pest management activities, the implementing departments are required to establish department-specific plans. In addition, we request the implementing departments to work together to establish and fund an IPM Coordinator, as outlined in the IPM Coordinator Staffing document.

Memorandum-Integrated Pest Management Policy

June 30, 2008

Page 2 of 2

Other departments and their employees may occasionally need to conduct activities in support of this policy. For example, employees of any County department might receive information to help them recognize and report conditions in their workplace that are conducive to pest populations, or be expected to help prevent pests by disposing of food waste in designated pest-resistant receptacles. The primary purposes of this policy are to:

- Promote the health and safety of employees and citizens
- Protect the environment
- Enhance the sustainability of County operations
- Maintain effective pest management through responsible pesticide use practices and the application of IPM
- Reduce risks associated with pesticide use

If you have questions about this policy, please contact Dave Tamayo, Environmental Specialist IV, with the Department of Water Resources Stormwater Quality Program, at (916) 874-8024 or tamayod@saccounty.net.

We thank you for supporting a policy which ultimately will benefit the environment and quality of life for all County residents and employees.

Attachments: (3)

c: David Tamayo-Environmental Specialist IV, Department of Water Resources

County of Sacramento Integrated Pest Management Policy

County IPM Policy	Pest management activities associated with County operations, and County-owned facilities and property shall be in accordance with the principles of Integrated Pest Management (IPM), State and Federal pesticide use laws and regulations, and the Municipal Stormwater Permit. These activities shall also be consistent with this policy's definition of IPM and with guidance established by the County IPM Coordinator.
Background	<p>The County of Sacramento recognizes that:</p> <ul style="list-style-type: none"> • its citizens and environment should be protected from exposure to pesticides • the County, as a public agency, should model environmentally responsible practices • IPM is a widely established and accepted method of achieving long term, effective pest control while reducing pesticide use and the risks associated with it • the County is subject to the terms of a state-issued Municipal Stormwater Permit that requires minimization of pesticide use and implementation of IPM in County operations and facility management that affect water quality discharged from its municipal separate stormwater sewer system
IPM Definition	<p>For the purposes of its IPM policy, the County adopts the following University of California Statewide Integrated Pest Management (UCIPM) definition:</p> <p>IPM is an ecosystem-based strategy that focuses on long-term prevention of pests or their damage through a combination of techniques such as biological control, habitat manipulation, modification of cultural practices, and use of resistance varieties.</p> <p>Pesticides are used only after monitoring indicates they are needed according to established guidelines, and treatments are made with the goal of removing only target organism. Pest control materials are selected and applied in a manner that minimizes risks to human health, beneficial and non-target organisms, and the environment.</p>
Policy purpose & intent	<p>The purpose and intent of the County IPM Policy is to:</p> <ul style="list-style-type: none"> • promote the health and safety of employees and citizens • protect the environment • enhance the sustainability of County operations • maintain effective pest management through responsible pesticide use practices and the application of IPM to • reduce risks associated with pesticide use, and • establish the need for an IPM Coordinator
Policy applicability	<p>The County IPM Policy applies to all pest management activities (including those conducted outside areas served by the municipal separate stormwater sewer system, and those occurring in agricultural, rural, and open space areas which are exempt from the requirements of the Municipal Stormwater Permit) conducted by County staff or provided by vendors under contract to the County occurring:</p> <ul style="list-style-type: none"> • as part of County operations, and/or • at County-owned property and facilities <p>For the purposes of this policy "County operations" and "County-owned property and facilities" do not include conservation easements, utility easements, or other non-possessory interests held by a third party on County-owned property, nor property or facilities for which the County serves as a temporary "pass-through" owner of real property, pending transfer of the property to another party.</p> <p>For facilities where the County is a lessee, rather than the property owner, the County shall, when renewing a lease agreement or entering into a new one, include as a lease condition the requirement that the property owner shall control pests in a manner that meets the requirements of the County IPM policy.</p> <p>This policy does not apply to County-owned property under lease to a tenant at the time of policy adoption, until such time that the lease expires or is otherwise re-negotiated.</p> <p>In some cases, the IPM policy will also apply to other activities that have the potential to significantly affect pest populations—such as maintenance practices and facility designs.</p>

<p><i>Oversight:</i> <i>IPM Coordinator</i></p>	<p>The County Executive authorizes the Agricultural Commissioner to designate an IPM Coordinator as a central resource to ensure that the County IPM policy is fully implemented and in compliance with applicable State and Federal laws, regulations, and permits. The duties of the IPM coordinator listed below are intended to serve all departments, and an equitable funding mechanism shall be established by the affected departments.</p> <ul style="list-style-type: none"> • Provide guidance and oversight for Department IPM Plan content and development. • Establish contract language for pest management vendors • Periodically determine adequacy of Departmental IPM Plans and their implementation. • Develop a common record keeping system. • Gather data and prepare reports to demonstrate compliance with the Municipal Stormwater Permit. <p>Additional duties specific to individual departments, such as detailed technical assistance, may be conducted by the IPM Coordinator under department specific funding mechanisms:</p>
<p><i>Policy Implementation:</i></p>	<p>Implementation of the IPM policy will primarily be the responsibility of individual departments. Departments that conduct or contract for pest management shall develop and establish department IPM Plans that comply with this policy and according to guidance established by County Executive or the IPM Coordinator.</p>

County of Sacramento Integrated Pest Management Policy

Implementation Document: Department IPM Plans

IPM Policy Implementation

In accordance with the County's IPM Policy, every County Department that engages in pest management activities (or contracts through a vendor for such) shall develop and implement a written Department IPM Plan.

This document provides direction regarding the establishment of Department IPM Plans. While originally adopted by the County Executive to facilitate and expedite initial development of Department IPM Plans, the requirements established herein may be amended from time to time by the County IPM Coordinator.

Department IPM Plan approval

Department IPM Plans, and changes to them, shall be submitted to, and are subject to approval by, the County IPM Coordinator. Each Department shall submit its Department IPM Plan for approval by the County IPM Coordinator no later than June 30, 2009.

Department IPM Plan goals

Each Department IPM Plan shall meet the following goals:

- support and allow the Department to effectively carry out its core mission
- maintain a safe and healthy environment for County employees, residents, contractors, and customers
- implement the principles of IPM
- contain sufficient detail to ensure adequate IPM implementation by Department staff
- provide for continuous improvement, including the investigation, and implementation where appropriate, of methods to reduce both pesticide risk and long term pesticide use through the use of cultural, mechanical, physical, and biological measures
- comply with direction from the County IPM Coordinator, and requirements of the County IPM Policy, the County's Municipal Stormwater Permit, and other applicable permits
- conform to the requirements of State and Federal pesticide use regulations

Required elements

The following elements are required in the Department IPM Plan:

- A statement of adoption of the Plan by the Department
- A copy of the County IPM Policy

- Designation of staff responsible for coordination of IPM activities on a department wide or site-by-site basis, as appropriate, and to provide a primary point of contact with the County IPM Coordinator
- Identification of staff positions responsible for and participating in pest management activities and decision making, including but not limited to pesticide applications
- Written pest tolerance thresholds
- Procedures for monitoring pest populations and conditions conducive to pest populations
- Description of site specific pest prevention measures
- Written site specific pest management prescriptions, including pest control advisor recommendations, for any pesticide applications made by the Department or its vendors
- Criteria for the selection and use of pesticides, including justification for the increased or continued use of any pesticides known or likely to cause local water quality impairments, as determined by the County Stormwater Program
- Record keeping procedures for pest management activities, including monitoring, decision making, and pesticide applications. This shall include provisions to collect and retain records for pest management activities conducted by contractors
- IPM contract requirements for vendors providing pest management services (if any) including pest control advisors, pesticide applicators, and structural pest control operators
- Written plan for providing and documenting staff training
- Written procedures for storage of pesticides
- Annual assessment of pest management alternatives
- Annual performance and effectiveness evaluation of the overall Department IPM Plan to be submitted to the County Stormwater Program

Departments that do not directly manage pests, but have operations or facilities with a significant potential to affect pest populations or pest management activities, may be required by the County IPM Coordinator to develop specified elements of an IPM Plan or to participate in and support the plan or portions of a Department IPM Plan established by another Department.

County of Sacramento Integrated Pest Management Policy

Implementation Document: IPM Coordinator Staffing

IPM Policy

The County IPM policy recognizes the need to establish an IPM Coordinator position to ensure full compliance of the policy by providing oversight and technical assistance to affected departments.

Focus on initial setup

Most of the duties of the IPM Coordinator identified in the IPM policy pertain to the initial setup of components necessary for full implementation of the policy.

IPM Coordinator Staffing

The initial duties of the IPM Coordinator require a significant workload and level of focus that can not be absorbed by the Agricultural Commissioner, Water Resources, or other County departments. Because the IPM Coordinator activities will be focused on initial implementation tasks, and ongoing needs beyond that are uncertain, it is recommended that the County Agricultural Commissioner hire a contractor to fulfill this role initially. After completion of the initial tasks, which may take 1-2 years, the ongoing work load and staffing needs should be evaluated.

Funding of shared vs. department specific work

Many of the IPM Coordinator duties focus on tasks that are common to all the affected departments. In addition, maintaining compliance with the Stormwater Permit is the responsibility of departments that have activities subject to its requirements and provisions. It is recommended that the affected departments develop a mechanism to equitably share the costs for these tasks.

The IPM policy also recognizes that the IPM Coordinator may provide department specific services, such as detailed technical assistance in establishing or implementing a Department IPM plan. Such duties would be most appropriately funded by the individual department. At their discretion, individual departments would be free to obtain such technical assistance either from the IPM Coordinator, or from a separate contractor of their own choosing.

County of Sacramento

Storm Water Utility



Procedures for Manhole and Pump Station Sump Inspection and Cleaning

November, 2005

Prepared by
Department of Water Resources
Drainage Operations and Maintenance Section

TABLE OF CONTENTS

SECTION I - BACKGROUND	1
• Program History	1
• Permit Requirements	1
• Manhole Prioritization Criteria	2
• Storm Drain Pump Station Prioritization	3
SECTION II - PREVIOUS SUMP INSPECTION AND CLEANING EFFORTS.....	3
• Storm Drain Manhole Inspection and Cleaning Efforts	3
• Storm Drain Pump Station Sump Inspection	3
SECTION III - SUMP INSPECTION AND CLEANING PROCEDURES	3
• Recordkeeping of Sump Inspections and Cleanings	3
• Prioritized List of Inspections	4
• Procedures for Storm Drain Sump Inspection	4
• Procedures for Storm Drain Manhole Cleaning	5
• Procedures for Pump Station Sump Inspection and Cleaning	5
SECTION IV - MONITORING AND EVALUATION OF SUMP MANHOLE CLEANING PROGRAM.....	5
SECTION V - FISCAL YEAR (2005/06) SUMP INSPECTION, PRIORITIZATION, AND CLEANING	5
APPENDIX A - FISCAL YEAR (2005/06) SUMP INSPECTION, PRIORITIZATION, AND CLEANING	

SECTION I - BACKGROUND

Program History

The County of Sacramento (County) regulates stormwater discharges from our municipal separate storm sewer system or MS4 system in accordance with the National Pollutant Discharge Elimination System (NPDES). The County's MS4 Permit was issued in 1990 under Phase I stormwater permitting, as a joint permit for the Cities of Sacramento, Folsom and Galt.

The current MS4 Permit was adopted on December 6, 2002 and expires on December 1, 2007 and the Cities of Citrus Heights, Elk Grove and Rancho Cordova have been added as co-permittees in the current MS4 Permit. Each co-permittee must document compliance with the MS4 Permit and the County currently provides limited drainage maintenance and stormwater quality services to Citrus Heights and Rancho Cordova. Therefore, any services provided by the County on behalf of these cities or within its own jurisdiction must be documented accordingly.

The MS4 Permit requires the County to develop and implement a stormwater management program with the goal of reducing the discharge of pollutants to the maximum extent practicable.

Permit Requirements

Provision C10e.ii of the MS4 Permit requires that procedures be developed for maintaining catch basins and sumps. The County's storm drain system is designed with drain inlets (no sumps) instead of catch basins (with sumps). Instead the system incorporates sumps in the bottom of storm drain manholes and at storm drain pump stations.

In order to meet MS4 permitting requirements, the County proposed a program for manhole sump and pump station sump maintenance in the July, 2003 Stormwater Quality Improvement Plan (SQIP). The 2003 SQIP program included the following:

- Prioritization of manhole and pump station sumps for cleaning based on accumulation of waste and presence or absence of downstream BMPs;
- A schedule of inspection and cleaning for removal of accumulated waste (e.g., sediment, trash, debris, and other pollutants) based on prioritization. At a minimum, cleaning of prioritized manhole and pump station sumps shall occur prior to the rainy season (Oct. 1);
- Record keeping of cleaning and overall quantity of waste removed;
- Proper disposal of waste removed pursuant to applicable laws; and
- Measures to eliminate waste discharges during storm drain system maintenance and cleaning activities.

Manhole Prioritization Criteria

The County will prioritize manhole sumps for cleaning based on accumulation of waste and the presence or absence of downstream BMPs. Initially, manhole sumps will be prioritized for cleaning based on the following criteria described in the July, 2003 SQIP, as follows:

- Is a manhole sump located immediately upstream or in the proximity of sensitive receiving waters? If yes, the sump is given a higher priority.
- Is a manhole sump located upstream of a regional storm water quality BMP (e.g., Water Quality detention basin)? If yes, the sump is given a lower priority, because sediment and other pollutants will be treated and/or removed by the downstream BMP.
- Are manhole sumps present in upstream or downstream manholes? If not, the sump is given a higher priority.
- Are adjacent pipes cleaned during regular maintenance program activities? (30-inch and larger diameter pipes are not cleaned by the regular maintenance program, since they are considered self-cleaning). If yes, the sump is given a lower priority.

In addition, storm drain manhole sumps that are upstream of storm drain pump station sumps and detention basins will be given a lower priority sump rating for the purposes of this program.

High priority manhole sumps will be inspected and where necessary cleaned annually prior to the rainy season (October 1). Sumps that are not considered high priority sumps in Citrus Heights, Rancho Cordova, and in the Unincorporated portion of the County will be cleaned during regular maintenance program activities. A system-wide cleaning currently takes approximately 10 years to complete. In addition, maintenance staff will be dispatched to clean inlets and sumps when debris, sediment, or trapped waste is reported.

In the future, the criteria listed above will be adjusted to address pollutant accumulation as data pertaining to the accumulation rate of sediment and debris is collected during manhole and pump station sump maintenance operations.

Storm Drain Pump Station Prioritization

Sumps on storm water pump stations are inspected annually for sediment and debris and are cleaned as necessary prior to the rainy season. All pump station sumps are considered high priority and will remain on the annual inspection and cleaning schedule in the foreseeable years.

SECTION II - PREVIOUS SUMP INSPECTION AND CLEANING EFFORTS

Storm Drain Manhole Inspection and Cleaning Efforts

In previous years the most downstream manhole in each of the storm drain systems was identified as the initial location for field inspections for each storm drain contributing to receiving waters. Field inspections included documenting if the storm drain manhole had a sump and measurements of the accumulation of sediment/debris and sump depth. If the most downstream manhole in the storm drain system did not have a sump, inspections proceeded to the next upstream manhole/s until a sump was reached. Upstream sump inspections also documented if the manhole had a sump and sump measurements.

Storm Drain Pump Station Sump Inspection

All storm drain pump station sumps are inspected on a yearly basis in the spring/early summer as part of a pump station preventative maintenance program. The inspection consists of inspecting the sump and removing the sediment or debris accumulated in the sump.

SECTION III - SUMP INSPECTION AND CLEANING PROCEDURES

Recordkeeping of Sump Inspections and Cleanings

Recordkeeping and reporting is a critical part of the Sump Cleaning Program to demonstrate compliance with the Stormwater Permit and to provide data for evaluating the effectiveness of the activities. Every attempt shall be made to quantify efforts in ways that relate to protection of water quality. For example, records of volume of waste removed from storm drain system sumps will be used to measure the County's ability to reduce the amount of such material discharged downstream to local creeks and rivers.

During storm drain manhole inspections and cleaning, recordkeeping includes recording the following:

1. Manhole number
2. Downstream water body
3. Outfall manhole (Y/N)

4. Manhole sump depth
5. Depth of accumulated sediment/debris in sump
6. Quantity of debris removed

Records are also kept of all inspections and cleanings performed on storm drain pump stations sumps. Pump station sump inspection recordkeeping includes:

1. Length, width, and depth of sump
2. Depth of accumulated sediment/debris in sump

Finally, manpower, equipment usage, and associated work performed by the County's regular maintenance program will be recorded and ultimately used to determine the magnitude of high priority manhole sumps that will be able to be cleaned in the current fiscal year.

Prioritized List of Inspections

A list of prioritized sumps will be compiled from each previous year's data. Each manhole on the prioritized list is to be inspected at least once during the following fiscal year. Several manholes may be inaccessible due to fenced backyards or other encroachments made by the public. Every practical effort should be made to inspect the manholes included on the prioritized sump list. However, when a manhole is not accessible the next available manhole upstream should be inspected in its place. If a manhole is skipped, notes should be made with regard to why the manhole was skipped and which manhole was inspected in its place.

Procedures for Storm Drain Sump Inspection

Each manhole inspected shall be inspected according to the following procedure:

1. Use a manhole pick to remove manhole the cover completely from manhole rim.
2. If the manhole has either a channelized bottom or does not have a sump, record the findings in the comments section and proceed to the next manhole.
3. If the manhole has a sump, the inspector is to record both the sump depth and the depth of accumulated debris in the sump.
4. After recording information from the manhole's interior the manhole rim should be cleaned of debris and the cover replaced.

In general, if a manhole sump is encountered there will be standing water in the sump. If the manhole is properly constructed the depth of the standing water should be approximately the same as the sump depth from the outlet invert when no debris is present.

If debris is present an initial reading should be noted as the depth to debris. A second reading should then be taken using a survey rod or other firm measurement device by forcing the rod through the debris to the manhole bottom. This second reading should be

recorded as the sump depth. The difference between the first and second measurement should then be recorded as the depth of debris in the manhole.

Procedures for Storm Drain Manhole Cleaning

In general sumps will be dewatered and cleaned using vector-truck equipment. However, in areas that are not accessible to vector trucks such as residential backyards and parkways, debris may be removed using hand tools. When material is removed from the manhole bottom the quantity of debris must be recorded by either of the following:

1. Measuring the total volume removed in cubic feet or
2. Measuring the average depth of removed debris and the interior footprint of the manhole then calculating the total debris removed in cubic feet.

$$(i.e. \text{ Volume} = \text{Depth} * \pi * \left(\frac{\text{Diameter of Manhole}}{2} \right)^2)$$

Procedures for Pump Station Sump Inspection and Cleaning

Pump station sumps are to be inspected and cleaned each year as part of the annual maintenance program. During the inspection and cleaning process, all debris that has accumulated within the pump station sump is to have its volume recorded and then be removed.

Due to the wide variation in size between pump station sumps a standard cleaning procedure has not been presented. In general, sumps will be cleaned with vector trucks during their annual inspection.

SECTION IV - MONITORING AND EVALUATION OF SUMP MANHOLE CLEANING PROGRAM

Monitoring and evaluation activities required by the MS4 permit are an important aspect of the sump cleaning program. Periodic in-house evaluations will be conducted primarily through collection and analysis of records, site visits, and interviews with maintenance staff to assess effectiveness of the program. The goal is to continuously improve the cost-effectiveness and environmental benefits of the program. Ongoing monitoring and evaluation of the program assures that the County is properly adhering to and fulfilling permit compliance.

SECTION V - FISCAL YEAR (2005/06) SUMP INSPECTION, PRIORITIZATION, AND CLEANING

The updated 2005/06 sump inspection, prioritization, and cleaning program focuses on storm drain pump station sumps and manhole sumps on storm drain systems immediately outfalling to sensitive receiving waters of creeks and rivers in Sacramento County. Initial priority has been placed on drainage basins with outfalls to the American River, Arcade Creek, and Morrison Creek. Maintenance data collected from the inspection and cleaning program will be used to annually update and reassess each previous year's program.

Each successive fiscal year's program will attempt to refine inspections and cleaning efforts completed during the previous year's program. Storm drain systems immediately outfalling to receiving waters will be reinspected to determine if there has been appreciable sediment/debris accumulation since the completion of last year's inspection and cleaning program. In addition, the program will be expanded to include tributaries, waters affected by new construction, and contributing systems that were not previously identified. Appendix A includes a list of storm drain manholes identified for this year's program.

APPENDIX A
FISCAL YEAR (2005/06) SUMP INSPECTION,
PRIORITIZATION, AND CLEANING